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Bozeman, Montana
July 30, 1940

Board of County Commissioners
Mineral County
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Gentlemen:

The Inventory of Archives for Beaverhead County, Montana, is now ready for distribution.

Mrs. Florence Kerr, Assistant Commissioner, Work Projects Administration, has requested that a copy of each of these reports be mailed you.

We are pleased to hand you a copy of the Beaverhead report. No acknowledgment is required but a letter of comment may be addressed to Joseph E. Parker, State Administrator, Work Projects Administrator, Butte, at your option.

Very truly yours,

WORK PROJECTS ADMINISTRATION

Charles H Lyman

Charles H. Lyman
Project Supervisor
Historical Records Survey
Montana State College

CHL:dc

INVENTORY OF THE COUNTY ARCHIVES
OF MONTANA

Prepared by
The Inventory of Public Archives (Historical Records Survey)
Division of Professional and Service Projects
Work Projects Administration

NO. 1. BEAVERHEAD COUNTY (DILLON)

* * * * * * * * * *

Bozeman, Montana
The Inventory of Public Archives
Historical Records Survey
November 1939

The Historical Records Survey Program

Luther H. Evans, Director
Robert H. Slover, Regional Supervisor
Charles H. Lyman, State Supervisor

Division of Professional and Service Projects

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FOREWORD

The Inventory of the County Archives of Montana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Beaverhead County, is number 1 of the Montana series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by officials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey Program attempt to do more than give merely a list of records--they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey Program was organized and has been directed by Luther H. Evans, and operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. Harrington

Commissioner

PREFACE

The Historical Records Survey was initiated in Montana in March 1936, as a part of the Federal Writers' Project of the Works Progress Administration, now the Work Projects Administration. The National Director, Dr. Luther H. Evans, planned the general scope of the work and stated the objectives of the survey. He prepared forms for the guidance of field workers in making the inventories of records and gave directions for editing their reports.

The work in the State during the first few months was directed by Dr. Paul C. Phillips who was associated with the Director of the Federal Writers' Project. In November 1936, the Historical Records Survey was separated from the Federal Writers' Project but there was no change in its organization. In February 1939, Dr. Phillips resigned as State Director of the survey and Charles H. Lyman was appointed to fill the vacancy. At the same time the project became affiliated with several statewide research projects sponsored by Montana State College under the general supervision of Dr. R. R. Renne. In June 1939, an act of Congress terminated the Federal sponsorship of the Historical Records Survey, effective August 31. Montana State College then submitted a Project Proposal to continue the work of the survey as an "Inventory of Public Archives", under the sponsorship of the College and with the general Supervision of Dr. R. R. Renne and Dr. M. G. Burlingame and under the direct supervision of Charles H. Lyman, State Supervisor.

The plan of the work is as follows: In each county of the State, field workers are assigned to make inventories of all records contained in public offices. Their reports are to give the exact title of each set of records with the limiting dates, the number and size of volumes or containers, a summary of the contents, and a statement of missing records. They are instructed to study the relationship of records particularly to find those supplementing each other. They are to make careful reports to show how records are kept at different times and how they are changed from one classification to another. They are to make careful reference to preceding and subsequent records, so that their relationship may be determined. A full description of the nature and scope of the indexes is made. The reports also describe the physical condition of all records and give their exact location.

This inventory is prepared for the purpose of furnishing a ready guide to the archives of the county. With the constant change in office personnel, it is inevitable that the archives will contain many records of which even the officials have no knowledge, and hence the inventory should prove a useful guide to them. The research student will find it useful not only in locating the records but also in studying the trends of government, the types of records kept, and the functions of individual

offices. To the schools it may serve to awaken greater interest in local government and disseminate a greater knowledge of the duties required of local government officials. It can be used to advantage in helping students to acquire a greater familiarity with the types of records kept for the administration of the county government and with the instruments filed and recorded by and for people in business transactions and in legal matters.

In Beaverhead County the actual tabulation of records was begun in September 1936, by Montana Gilbert. In August 1937, Elwood Boucher rechecked the records for the information necessary for subsequent requirements and made a final check of the draft with the records in May 1939.

The State Work Projects Administration has co-operated in assigning the best workers available, and has given advice and guidance in the administration of the project. The Historical Sketch was written by Dr. Phillips before his resignation from the project. He also lent valuable assistance and advice to Mr. Henry Jorgensen, Project Editor, who prepared the general governmental and office essays, and edited the inventory in the State office of the Survey. Mr. Robert H. Slover, Regional Supervisor for the Historical Records Survey, has explained Montana problems to the national office. This inventory was edited in the Washington office of the Survey by Mabel S. Brodie, and has been approved for publication by the Librarian of Congress.

Valuable cooperation has also been afforded by the statewide Art Project, OP 65-1-91-46 (WP 3021) in printing the cover by the silk-screen process and by the statewide Library Project, OP 665-91-3-97 (WP 2887) in binding the report. Both of these projects are administered under the Work Projects Administration.

Charles H. Lyman
Project Supervisor
Inventory of County Archives
Historical Records Survey

Bozeman, Montana
November 1939

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1. HISTORICAL SKETCH

Topography

Beaverhead County with an area of 5,657[1] square miles lies in the southwest corner of Montana. On the northwest it is separated from Ravalli County by the Continental Divide, on the north and northeast from Deer Lodge County and Silver Bow County by the Big Hole River; on the east the Big Hole River flows between Beaverhead County and a northwestern projection of Madison County. From near the southern bend of this river, an irregular line running south and east, defined by townships, separates Beaverhead from Madison County. This line starts on the Big Hole River at a point 25' west of the 112th Meridian and runs alternately south and east until it intersects the Continental Divide at longitude 110° 20'.[2] On the south, southwest, and west the main ridge of the Rocky Mountains separates Beaverhead County from Idaho.[3]

The surface of Beaverhead County is highly mountainous. The average elevation of the whole county is about 6,000 feet. Two shallow lakes in the extreme southeastern corner of the county, Upper and Lower Red Rock Lakes, form the ultimate source of the Missouri River. From these lakes Red Rock Creek flows west and north in a wide arc, uniting with Horse Prairie Creek to form the Beaverhead River. Along the course of these creeks and specially in the valley of the Beaverhead a limited but very fertile farming area is to be found. In the northwest corner of the county the Big Hole River has its source in a number of creeks, and in this area another agricultural section has high productivity. Meriwether Lewis named the Big Hole the Wisdom River for one of the characteristics of President Jefferson, but the pioneers chose to give it the name associated with the topography of the vicinity. The region is semi-arid and often the winters are cold but summer temperatures are moderate. The mountains maintain scanty vegetation, the most noticeable of which is scattered trees of scrubby growth. In the valleys in early days there was a considerable quantity of buffalo grass, the sunflower, wild flax, green sward, thistle, and several species of the rye grass,[4] which supported large numbers

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1. United States Bureau of the Census. Fifteenth Census of the United States, 1930. Population, vol. I, p. 634; Mont. Resources and Opportunities, Edition of 1933, vol. VII, No. IV, Helena, Mont., 1933, p. 107.
2. Laws, Resolutions and Memorials of the State of Montana, Passed at the Twelfth Regular Session of the Legislative Assembly, Helena, Montana, 1911, ch. 73, p. 137. Hereinafter cited as Mont. S. L.
3. Ibid., Mont. Ter. S. L., 1st sess., 1864-65, p. 528, sec. 2.
4. Reuben G. Thwaites, editor, Original Journals of the Lewis and Clark Expedition, 6 vols., Cleveland, 1904, vol. II, p. 320.

of bison, elk, and deer.[5] In the Beaverhead and Big Hole Rivers were beavers, otters and muskrats.[6]

Early Exploration

At the time the region was first visited by white men it was inhabited by Bannack Indians, who had probably come from the Salmon River in Idaho. The Bannacks were a tribe of the Shoshone or Snake nation. They roved widely from southeastern Idaho to western Wyoming and north into Montana.[7] The county was frequently traversed by the Blackfeet and the Selish or Flatheads and here many battles were fought between these hostile tribes.

The first white people to visit the Beaverhead County were the men of the Lewis and Clark expedition. When they left the Three Forks of the Missouri the latter part of July 1805,[8] they proceeded up the Jefferson to the forks of the Beaverhead and the Big Hole or Wisdom. The party described the Beaverhead Rock, a prominent landmark on the Beaverhead River, which gave the stream and area its name. They continued in boats up the river until the junction of Horse Prairie and Red Rock Creeks was reached. The party passed the mouth of Grasshopper Creek which was named Willard Creek for one of their number. They turned westward and ascended Horse Prairie Creek to the beautiful Shoshone Cove. From there they went westward to the Lemhi Pass which they crossed on August 12, into the Salmon River Valley.[9]

On the return trip in 1806, Clark parted from Lewis at the mouth of Lolo Creek and with a small party ascended the Bitterroot River.[10] Clark's party crossed the divide at Gibbon's Pass, then followed a creek running into the north fork of the Big Hole River. They camped near the present site of the town of Wisdom and then ascended the river to Boiling Springs, near the present town of Jackson. Continuing south they crossed the divide between the waters of the Big Hole and Beaverhead Rivers and came out upon the upper waters of Grasshopper Creek. Proceeding down Grasshopper Creek for some distance, they turned southeast until Shoshone Cove was reached. They then descended the Horse Prairie Creek to its confluence with Red Rock Creek, where they had a cache. Here they

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[5] Paul C. Phillips, editor, Forty Years on the Frontier, as seen in the Journals and Reminiscences of Granville Stuart, 2 vols. Cleveland, 1925, vol. I, p. 121.

[6] Thwaites, op. cit., vol. II, pp. 320, 321.

[7] F. W. Hodge, Handbook of American Indians North of Mexico, 2 vols., Washington, 1907-10, vol. I, p. 129.

[8] Thwaites, op. cit., vol. II, p. 286.

[9] Ibid., pp. 316-335.

[10] Ibid., vol. V, p. 245.

took to their boats and drifted down the Beaverhead.[11]

The next invasion of the Beaverhead by white men was made apparently by John Colter, who had been in the region with the Lewis and Clark Expedition. Colter had returned to Montana in 1806, and again in 1807 he came to guide Manual Lisa; a fur trader of St. Louis, into the Yellowstone country. He spent the winter exploring country to the south.[12] In the summer of 1808, Colter set out to explore the Three Forks region. He apparently ascended the Jefferson River for some distance with the hope of establishing trade contracts for Lisa. In the Beaverhead Valley he met a party of Flathead Indians whom he induced to accompany him back to the Big Horn post on the Yellowstone River at the mouth of the Big Horn. As Colter and his Indian friends ascended the Gallatin they were attacked by a party of Blackfeet and a severe battle took place which resulted in the defeat of the enemy.[13]

In the meantime Lisa had returned to St. Louis and with others organized the Missouri Fur Company. In the summer of 1809 he led a large expedition to the Yellowstone and spent the winter at the mouth of the Big Horn. The next spring, with Colter as guide, a number of men under Andrew Henry went to the Three Forks and established a post.[14] They were attacked by the Blackfeet and five of them killed. This ended trapping up the Jefferson for a month. Then the men at the Three Forks were emboldened to start again to the Beaverhead. They scattered out and for a time all went well. One day three of the trappers were found killed and horribly mutilated.[15] This ended exploration of the Beaverhead for a number of years.

The next visit by white people was by a party of trappers and traders led by Alexander Ross of the Hudson's Bay Company in 1824. Ross had set out from Selish House near the present Thompson Falls in February, gone to Hell Gate at the Junction of the Bitterroot and Clark's Fork River, ascended the Bitterroot Valley to Ross Hole where he was snowed in for a month, and crossed the Continental Divide by the Big Hole or Gibbon's Pass. He ascended the Big Hole River and noted the hot spring near the present Jackson where Clark camped in 1806. He trapped for some time on the present Grasshopper Creek and then crossed the Continental Divide by the Lemhi

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11. Ibid., pp. 252-256 and footnote 1, p. 253.
12. Stallo Vinton, John Colter, N. Y., 1926, chs. II, III; "John Colter" in Dictionary of American Biography, vol. IV, 1930, pp. 319, 320.
13. Thomas James, Three Years Among the Indians and Mexicans, St. Louis, 1916, pp. 52, 53, and also ch. II.
14. Ibid., p. 54.
15. Ibid., pp. 79, 80.

Pass.[16]

During the next few years numerous trading expeditions crossed the Beaverhead country. Peter Skene Ogden of the Hudson's Bay Company came through in 1825 on his way from Three Forks to Fort Walla Walla.[17] In 1831-32 another Hudson's Bay Company trader named John Work explored this country thoroughly. He had left Vancouver and traveled up the Columbia and Clark's Fork Rivers to Silver Bow Creek where he crossed over Deer Lodge Pass and went down Divide Creek to the Big Hole River.[18] His party trapped here, then on the Beaverhead up which they traveled to Horse Prairie Creek, thence up to the Continental Divide and over Lemhi Pass to the Lemhi River.[19]

The Beaverhead country became a hunting ground for the Rocky Mountain Fur Company of St. Louis about 1830. Jedediah S. Smith, a leader in this company, had learned something of the region when he made his trip to Selish House with Alexander Ross in 1824.[20] During the next few years other members of this company hunted here. James Bridger traversed this country in his exploring and hunting expedition, which included the whole of the Missouri above the Great Falls.[21] Henry Vanderburgh of the American Fur Company followed him here in 1832, and near the Ruby River, an affluent of the Jefferson, he met his death from the weapons of the Blackfeet warriors.[22]

Father De Smet, in his notable visit to the Flatheads arrived near Red Rock Lakes in August 1840, and was conducted by the Indians along the course of the Beaverhead River. The Beaverhead region continued to be traversed by the missionaries as they came from Fort Hall into Western Montana.[23] A survey of the Beaverhead country was made in November 1853, when Lieutenant John Mullan explored it for purposes of a report to his chief, General Isaac I.

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[16] Alexander Ross, *The Fur Hunters of the Far West*, 2 vols. London, 1855, pp. 19 ff; "Journal of the Snake River Expedition of 1824", edited by T. C. Elliott in *Oregon Historical Quarterly*, vol. XIV, Salem, 1914, pp. 375-381.

[17] See Letter of Ogden to John Work in Work's "Journal of 1825" edited by T. C. Elliott in *Washington Historical Quarterly*, vol. VI, April, 1914, p. 101.

[18] William S. Lewis and Paul C. Phillips, *The Journal of John Work*, 1831-32, Cleveland, 1923, p. 100.

[19] *Ibid.*, pp. 101-113.

[20] Alexander Ross, "Journal of 1824" in *Oregon Historical Society Quarterly*, vol. XIV, p. 385.

[21] Paul C. Phillips, *The Fur Traders' Last Frontier*, p. 179, Unpublished manuscript, Missoula, Montana.

[22] H. M. Chittenden, *The American Fur Trade of the Far West*, 3 vols., New York, 1902, vol. II, pp. 665-670.

[23] L. B. Palladino, *Indian and White in the Northwest*, Second Edition, Lancaster, Pa. 1922, pp. 33-39.

Stevens, Stevens, who was in charge of a survey for a northern route to the Pacific, had left Mullan at Fort Owen for purposes of making observations on winter conditions in the region.[24]

The Gold Rush

Captain Richard Grant left the employ of the Hudson's Bay Company about 1855 and with his Indian family settled here and started cattle ranching. James and Granville Stuart and their fellow gold seekers visited the Grants in 1857 before continuing on to Deer Lodge Valley where they found gold.[25] The discovery of gold in Deer Lodge Valley induced a rush of prospectors to the country that later became Montana. From the mines north of Salmon River in the present state of Idaho, a number of prospectors moved east, hoping to find gold.[26] One party, led by John White, crossed the mountains by Lemhi Pass and on its way to Deer Lodge Valley in July 1862, it camped on Willard Creek, although the name was unknown to all.[27] From the abundance of grasshoppers around the camp the men renamed the stream "Grasshopper Creek",[28] a name it retains today. As was the custom among prospectors, they began to wash the gravel and soon found gold. G. W. Stapleton, with another party, arrived in August and also discovered a rich bar.[29]

Immigration to the Beaverhead mines was further accelerated by the Northern Overland Expedition, led by Captain James L. Fisk an officer in the army of the United States. With him were E. H. Burrit, N. P. Langford, the historian, a guard of about forty men, and one hundred twenty-five immigrants. The party arrived in Prickly Pear Valley in September 1862. Some remained there, others went on to Walla Walla and the coast, and still others went to the Beaverhead Mines.[30] Among the latter was Nathaniel P. Langford, who discovered gold on October 27.[31] Others who came were Conrad Kohrs, Samuel T. Hauser, James Morley, Francis M. Thompson, James Fergus, William A. Clark, Mortimer H. Scott, Buz Cavin, and

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24. United States Congress, 36th Congress, 1st sess., Senate Ex. Doc., "Reports of the Explorations and Surveys for a Railroad to the Pacific Ocean, 1853-55", Washington, 1860, vol, XII, Book I, pp. 168-170.
25. Phillips, Forty Years on the Frontier, op. cit., vol. I, pp. 125-130.
26. Thomas Dimsdale, The Vigilantes of Montana, Helena, 1915, p. 20.
27. Nathaniel P. Langford, Vigilante Days and Ways, Chicago, 1927, p. 119.
28. Michael A. Leeson, History of Montana, Chicago, 1883, p. 480.
29. Dimsdale, op. cit., pp. 199-202.
30. Langford, op. cit., pp. 122, 123.
31. Dimsdale, op. cit., p. 202.

Samuel McLean, all to become prominent citizens of Montana.[32] The spring of 1863 brought many from Colorado to the new El Dorado.[33] This mining camp was named Bannack from the tribal name of the Indians who lived in this region.[34]

The gravel of Grasshopper Creek produced vast quantities of gold dust and nuggets. So rich were the diggings that most of the miners in Deer Lodge Valley abandoned the mines there and moved to Bannack. Among these were James and Granville Stuart, who had been the first to develop the mines of Gold Creek and nearby gulches.[35] The gold mines of Bannack, which soon came to be called the Beaverhead Mines, were the first gold discoveries of any importance in Montana east of the Continental Divide.[36] During the first year of exploiting them, they produced some five millions of dollars in gold dust.[37]

Lumbering and Ranching

Mining was for a time the most important industry in the Beaverhead Valley, but lumbering and ranching started at almost the same time. The first lumber for the mines and the miners' cabins was whip-sawed by R. C. Knox in Lumber Gulch near Bannack. William Sturgis, G. W. Stapleton, Samuel McLean, and Mortimer R. Scott were all engaged in sawing lumber before the end of 1862.[38] Ranching also began in 1862. Martin Barrett and Joe Shineberger were probably the first ranchers in the county. Their claims were on the Beaverhead. The same year A. J. and C. W. Stanley settled on a claim not far from Stapleton's Bar, and Louis Dupuis started a ranch on Horse Prairie Creek.[39]

Vigilante Days

Bannack was the first capitol of Montana. Governor Edgerton called the first Territorial legislative assembly to meet in Bannack in December 1864, and there were enacted the first laws for Montana.[40] The population of Bannack grew rapidly and by the end

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32. Ibid., p. 24.
33. Langford, op. cit., pp. 120, 121.
34. Dimsdale, op. cit., p. 24.
35. Phillips, Forty Years on the Frontier, op. cit., vol. I, pp. 229-232.
36. Dimsdale, op. cit., pp. 20-24.
37. Leeson, op. cit., p. 223.
38. Dimsdale, op. cit., pp. 203-205.
39. Ibid., pp. 212, 213.
40. Mont. Ter. S. L., 1st sess., 1864-65.

of 1863 probably amounted to more than 2,000 people, mostly men.[41] The city had a large hotel in which the legislature met, and many pretentious houses, mostly built of logs.

Miners were not the only adventurers to seek their fortunes in the gold-filled gravel of Grasshopper Creek. In Bannack there sprang up saloons, dance halls, and gambling resorts, frequented by men and women who never washed a pan of gravel.[42] The worst class of people who came to Bannack were highwaymen, known as "gentlemen of the road," or "road agents."[43]

The road agents mingled in the society of the mining camps as prospectors, men looking for work, gamblers, proprietors of questionable places of amusement, and sometimes as real working men like George Lane, the shoemaker.[44] They were apparently without scruple or conscience and never hesitated to kill. In all, they numbered probably more than a hundred.

Among the most prominent road agents at Bannack were Henry Plummer, Jack Cleveland, George Ives, Bill Moore, Cyrus Skinner, and Charlie Reeves.[45] Plummer and Cleveland had been partners in crime at Orofino in what is now Idaho, and had left to escape punishment. For a time, they worked on the government Indian farm on Sun River and both fell in love with Electa Bryan, the sister-in-law of the government farmer.[46] Plummer married her. The two men went to the newly discovered mines at Bannack in the autumn of 1862. They were out of money but that winter a young man named George Evans was killed and robbed, and thereafter suspicion fell upon Cleveland.[47] Shortly after this, Plummer killed Cleveland and was tried in a miner's court for murder and acquitted. Plummer had organized a gang, drove out Henry Crawford, who had been appointed sheriff, and succeeded in getting the appointment himself. Then began an era of crime that lasted throughout 1863. Nathaniel P. Langford, because of his fearless opposition to lawlessness, was an especial object of hatred to the road agents who never were fortunate enough to find him where they could kill him unseen. The principal interest of this lawless group was to rob successful miners of their gold dust, particularly when they were returning to

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41. Helen Fitzgerald Sanders, History of Montana, 3 vols., Chicago, 1913. Vol. I, p. 171, put the population of January 1, 1863, before the heavy rush began, at 500.
42. Phillips, Forty Years on the Frontier, op. cit., vol. I, p. 232; Langford, op, cit., pp. 134, 135.
43. Dimsdale, op. cit., p. 24.
44. Dimsdale, op. cit., pp. 185-191; Langford, op. cit., p. 130.
45. Dimsdale, op. cit., p. 20; Langford, op. cit., pp. 130-138.
46. Dimsdale, op. cit., p. 24; Hoffman Birney, Vigilantes, Philadelphia, 1929, pp. 94, 95.
47. Dimsdale, op. cit., p. 25; Langford, op. cit., p. 131.

of 1864 reportedly amounted to more than 7,000 people, mostly men.[11] The city had a large [illegible] in which the inhabitants met, and many [illegible] houses, mostly built of logs.

Miners made the [illegible] contribution to [illegible] in the gold-rush period of Grasshopper Creek. In Bannack there sprang up saloons, dance halls, and gambling resorts, frequented by men who never washed a pan of gravel.[12] The worst class of people [illegible] were [illegible], known as "[illegible] of the road," or "road agents."[13]

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Among the most prominent road agents at Bannack were Henry Plummer, Jack Cleveland, [illegible], and Charlie Reeves.[15] Plummer and Cleveland [illegible] arriving in [illegible] 1862, [illegible]. For a time, they worked on the government Indian farm on Sun River and both fell in love with Electa Bryan, the sister-in-law of the government farmer.[16] Plummer married her. The two men went to the newly discovered mines at Bannack in the autumn of 1862. They were out of money but [illegible] George [illegible] was killed and robbed, and [illegible] suspicion fell upon Cleveland.[17] Shortly after [illegible], Plummer killed Cleveland and was tried in a miners' court for murder and acquitted. Plummer was [illegible], and [illegible] he had been appointed sheriff, and [illegible] the [illegible]. [illegible] began [illegible] that lasted throughout 1863. [illegible], because of his [illegible] opposition to lawlessness, [illegible] enough to find [illegible] where they could kill [illegible]. The principal [illegible] of this [illegible] group was to rob [illegible] gold dust, particularly when they were [illegible] to

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11. Helen Fitzgerald Sanders, History of Montana, 3 vols. (Chicago, 1913), vol. 1, p. 217, [illegible] the population of Bannack [illegible] before the [illegible] at 500.)
12. Phillips, Forty Years on the Frontier, [illegible], vol. [illegible], p. 232; Langford, [illegible], pp. [illegible].
13. Dimsdale, op. cit., p. 24.
14. Dimsdale, op. cit., pp. 120-121; Langford, op. cit., p. [illegible].
15. Dimsdale, op. cit., p. 20; Langford, op. cit., p. [illegible].
16. Dimsdale, op. cit., p. 24; [illegible], Phillips, [illegible], pp. 94, 95.
17. Dimsdale, op. cit., p. 25; Langford, op. cit., p. [illegible].

their homes in the east, when their disappearance would likely not be a subject of inquiry.[48] In October they robbed Caldwell and Peabody's coach of about $3,000 and later robbed the Salt Lake Mail Coach. They were reckless in their killings and terrorized the whole community. Even a jury set up by the miners' court did not dare to convict them.[49]

In May 1863, Alder Gulch was discovered and most of the miners in Grasshopper Gulch moved to the new diggings. The road agents went, too, and soon terrorized the new camp. A particularly atrocious murder that fall aroused the miners to action. A Vigilante Committee was organized at Virginia City and a branch was formed at Bannack.[50] A confession by Red Yeager, one of the road agents, involved Plummer as chief of the band and many others.[51] News of his confession soon reached Bannack and the Vigilantes lost no time in hanging Plummer, with two of his accomplices, Ned Ray and Buck Stinson. This took place on January 10, 1864 and ended the terror of the road agents in Bannack.[52]

Evolving County Boundaries

The Beaverhead Valley had little organized government until the spring of 1863. It was the remotest part of the French and Spanish colony of Louisiana and came to the United States with the Louisiana Purchase of 1803.[53] It remained a part of the Territory of Louisiana until 1812 when it was included in the newly organized Territory of Missouri.[54] When Missouri was admitted as a State in 1821, this region was assigned to the "Indian Country" and for many years was left to the Bannacks, Flatheads and Blackfeet, with occasional visits from white traders and trappers. When Nebraska was formed in 1854, the Beaverhead Valley was included in the new Territory.[55] It was then included in the Dakota Territory, formed in 1861.[56] When Idaho was organized in 1863, the Beaverhead Valley

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[48] Dimsdale, op. cit., pp. 30-56.

[49] Dimsdale, op. cit., pp. 49-69.

[50] Ibid., pp. 102, 109; Langford, op. cit., pp. 360,361.

[51] Ibid., Dimsdale, op. cit., p. 99.

[52] Ibid., pp. 109-111.

[53] Debates and Proceedings of the Congress of the United States, 8th Congress, 1st sess., 1803, pp. 35-73; United States Congress, 8th Congress, 1st sess., 1803, Statutues at Large, vol. II, p. 245.

[54] United States Congress, 12th Congress, 1st sess., 1812, Statutes at Large, vol. II, ch. 95, p. 743.

[55] Ibid., 33rd Congress, 1st sess., Statutes at Large, vol. X.

[56] Ibid., 36th Congress, 2nd sess., Statutes at Large vol. XII, ch. 86, p. 239.

was included in this Territory.[57]

The Organic Act for the Territory of Idaho provided for three judicial districts. The eastern district was that part of the Territory east of the Bitterroot Mountains and comprised what is now the state of Montana. The Chief Justice of Idaho, Sidney Edgerton, appointed by President Lincoln, was assigned the eastern district and in 1863 came to Bannack, He found the community terrorized by road agents and the work of the courts impossible. The legislature of Idaho apparently was not interested in the eastern part of the Territory and made no effort to enforce order. Edgerton was so disgusted that he readily consented to make a trip to Washington to try to induce Congress to form a new Territory. His efforts were successful and on May 20, 1864, Montana Territory was formed.[58]

The Organic Act for the establishment of Montana Territory provided that the Governor should call the first legislative assembly at such time and place as he might appoint and that the Governor and the legislature should then select the Territorial capitol. Sidney Edgerton, the first Territorial governor, called the legislative assembly to meet at Bannack which remained the capitol for only a year, the legislature having chosen Virginia City as the future capitol of the Territory.[59]

The Territory of Idaho established Beaverhead County in 1863.[60] The boundaries defined at that time were left unchanged by the Montana Territory's first legislature as it met in 1864-65. That legislature described all boundaries except the eastern as they are in 1940. This eastern boundary in 1865 was the Big Hole River until it intersected the 112th meridian, thence south along this meridian to the Idaho line.[61] In 1874 a strip from the southern part of Madison County was added and a section from the northeastern corner of Beaverhead County was given to Madison.[62] In 1911 there were some additional changes made in the boundary between Beaverhead and Madison Counties and they were defined as at present.[63]

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[57] Organic Act of the Territory of Idaho, 1863, sec. I; for general discussion of Territorial organization see Frederick L. Paxson, History of the American Frontier, Boston, 1924, chs. XV, XXIV, XLVIII, especially pp. 449, 454, 455.

[58] United States Congress Statutes at Large, vol. XIII, ch. 95, pp. 85, 91, contains Organic Act for Territory of Montana. Approved May 26, 1864; Paul C. Phillips, "Sidney Edgerton" in Dictionary of American Biography, vol. VI, N. Y., 1930, p. 20.

[59] Mont. Ter. S. L., 1st sess., 1864-65, p. 432.

[60] Idaho Ter. S. L., 1st sess., 1863-64, p. 676.

[61] Mont. Ter. S. L., 1st sess., 1864-65, p. 529.

[62] Ibid., 1874, pp. 67, 68.

[63] Mont. S. L., 1911, ch. 73.

Early Government

The miners had attempted to organize a crude local government soon after the camp was started. They elected a recorder to record mining claims and his records later became a part of the official record of the county. The names of J. Hurst and R. T. Harris appear on the records of mining claims in 1862.[64] The miners established miner's courts which decided all sorts of disputes, but more particularly those regarding mining claims. When criminal cases were being prosecuted, the whole body of miners appointed a judge, sheriff, and prosecutor, and decided whether the case should be heard by the whole body of miners or by a special jury. The first miners' judge on record was J. H. Hoyt, soon succeeded by Walter B. Dance. Henry Crawford was elected miners' sheriff and served until driven out by Plummer who was then elected to the office by the miners. George Copley appeared as prosecutor.[65] This loose organization of the miners' court made it easy for a gang such as the road agents to ride unchecked by legal means and to terrorize the whole community.

On October 30, 1863, several months before Montana was formed, Beaverhead County held its first legal election. The records of this election have been lost. George Chrisman, A. J. Smith and Elijah Moore were elected county commissioners, Henry Zoller, treasurer, Amos W. Hale, clerk, and John C. Taylor, probate judge. Henry Plummer was already the sheriff elected by the miners' court and he continued to hold office until his execution in 1864.[66]

The legislature of Idaho made Bannack the county seat of Beaverhead County and the first Territorial legislature of Montana did the same.[67] Bannack retained this honor until 1881 when the people voted to move the county seat to the new town of Dillon.[68]

The board of county commissioners apparently did not hold its first meeting until April 4, 1864, five months after the election. Probably this delay was due to the road agents and the efforts of the Vigilantes to destroy them. Almost the first official act of the commissioners was to rent a building owned by Andy Leutze (also spelled Luzi or Lutzie) for county offices at a rental of $125.00 per month. They appointed J. M. Galloway justice of the peace, and fixed the fees to be charged by the recorder, sheriff, and justice

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[64] Dimsdale, op. cit., pp. 201, 202.

[65] Langford, op. cit., pp. 139-143.

[66] Commissioners' Journal, vol. A, pp. 2, 12, Apr. 4, May 31, 1864, see entry 1; Leeson, op. cit., p. 470; Dimsdale, op. cit., pp. 244-247.

[67] Mont. Ter. S. L., 1864-65, p. 529; Leeson, op. cit., p. 470.

[68] Leeson, op. cit., p. 470; Mont. Ter. S. L., 12th sess., 1881, pp. 102-104.

of the peace.[69]

The first set of county officers held office for only a few months. In October 1864, the minutes show G. O. Franks and George G. Stevens as county commissioners and E. H. Phelps as justice of the peace. Soon after L. A. Gridley was chosen as clerk; John P. Martin as county assessor; E. H. Phelps as prosecuting attorney; D. A. Hopkins as treasurer and E. S. Ball as sheriff.[70] Ball was elected sheriff after the execution of Plummer and held office for nearly four years.[71] J. D. Douglas was appointed the first county superintendent of schools, September 30, 1864.[72]

In March 1865, the commissioners received a map of Beaverhead County, drawn by Walter W. DeLacy,[73] the famous engineer, and apparently on the basis of this map divided Beaverhead County into three districts or townships which they named Montana, Horse Prairie, and Bannack.[74] They also rented from Governor Edgerton the Territorial council room for use as a courthouse, at the rate of $600 per year.[75]

General Growth

Bannack's growth was of mushroom character. Mr. and Mrs. B. B. Burchett came here in December, 1862 from the town of Gallatin just east of the Three Forks,[76] and soon after became the parents of the first white child born in Beaverhead county. He was named Jefferson Davis, a name later changed to Thomas Jefferson Davis.[77] From this same town of Gallatin came also Dr. Glick, John Autl, G. W. Stapleton, and others to build up the mining camp.[78] A school at Bannack was established in 1863.[79] The discovery of Alder Gulch in 1863, led to an exodus from Bannack,[80] which soon became a ghost

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69. Commissioners' Minutes, vol. A, p. 2, Apr. 4, 1864, see entry 1.
70. Ibid., vol. A., p. 19, March 15, 16, 1865.
71. Leeson, op. cit., p. 983, for autobiographical sketch of Ball.
72. Dimsdale, op. cit., p. 238.
73. Commissioners' Minutes, vol. A, p. 16, Mar. 15, 1865, see entry 1.
74. Ibid., vol. A. p. 20, March 16, 1865.
75. Ibid., vol. A, p. 21.
76. "Articles of Association of Gallatin Town Company, December 20, 1862", in Book of Records for the Town of Gallatin and the surrounding country, Dakota Territory. Book A Shows Burchett as a member of this association.
77. Dimsdale, op. cit., p. 241.
78. "Articles of Association", op. cit., gives their names.
79. Dimsdale, op. cit., p. 242.
80. Phillips, Forty years on the Frontier, op. cit., vol. I, p. 248; Langford, op. cit., p. 221.

town. Only when the government raised the price of gold in 1933 did prospectors return and begin search for the "Mother Lode" from which was washed the dust and nuggets found in the gravel of Grasshopper Creek.

Argenta, on Rattlesnake Creek about twelve miles northeast of Bannack, was started in 1863, after Neil Hervie and Jack Carroll had discovered rich quartz in the locality. On June 30, 1864, J. A. Brown, A. J. Oliver, B. G. McKay, and Dr. E. D. Leavitt laid claim to 1000 feet of water on Rattlesnake Creek for mining and milling purposes. Governor Sidney Edgerton, Samuel McLean, James Doty, E. A. Purple, W. A. Clark, E. M. Polinger, G. W. Stapleton, L. W. Bachelder, Alexander Mayhew, D. H. Hopkins, and J. Tufts were the most prominent among the many people who flocked to the new mine.[81] Here crude stamp mills were built to crush the ore which was then washed in sluice boxes as in placer mining. Within a few years the ore was exhausted and the mining camp became only a small trading place.

On the road between Bannack and Deer Lodge Valley at the crossing of the Big Hole River, a bridge was built in 1862-63 by Fred Burr, and James Minesinger. This bridge was later known as Brown's Bridge and for years all traffic from the Beaverhead and north passed over it.[82] Bannack, Argenta, and a few other mining camps held all the people of Beaverhead County during the first three years of its existence. In 1863 there were doubtless more than 2000 people in the county. With the depletion of the placer mines, there was an exodus of prospectors, and by 1870 the total population of the county was only 722.[83]

In 1877 the people of the Beaverhead were aroused by news that Chief Joseph with his band of Nez Perces had left Idaho and entered the Bitterroot Valley which they ascended, and crossed the main ridge of the Rockies by Gibbons Pass. When the Indians entered the Big Hole Valley they felt secure. General Gibbons from Fort Shaw on the Sun River was pursuing them and surprised them just east of the pass. A desperate battle was fought, but Chief Joseph and his followers again escaped. From the Big Hole Battlefield, Joseph fled across Beaverhead County along a route close to that pursued by William Clark in 1806. He then crossed the Yellowstone Park region and hurried north. He finally camped in the Bear Paw

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81. Dimsdale, op. cit., p. 206.
82. Ibid., p. 240.
83. United States Bureau of the Census. Ninth Census of the United States, 1870. Statistics of the Population of the United States. Vol. I, Table III, p. 193.

born. Only when the government raised the price of gold in 1934 did prospectors return and [illegible] search for the [illegible] [illegible] washed the dust and nuggets from the [illegible] of [illegible] Creek.

[illegible] was established in 1853 [illegible] formed a partnership [illegible] J. H. Brown, A. M. Gilbert [illegible] and [illegible] for mining and milling purposes. [illegible] W. S. Clark [illegible] were the most prominent [illegible] was then worked [illegible] Within a short time [illegible] abandoned and the village [illegible] small trading place.

On the road between [illegible] was built in 1852-53 [illegible] This bridge was later [illegible] many years all traffic [illegible] In 1860 there were [illegible] in the county. [illegible] and by 1870 the total population of the county was only [illegible]

In 1857 the people of the [illegible] with his band of [illegible] the Indians [illegible] He finally [illegible]

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21. Ibid.
22. [illegible], p. 108.
23. Ibid., p. [illegible]
24. [illegible]

Mountains, where he was captured by General Nelson A. Miles.[84]

Transportation

Beaverhead County started on a new period of development when the Utah and Northern, the first railway into Montana, entered its area. This railroad company was organized in Salt Lake City, which with its junction with the Union Pacific at Ogden, was its southern terminus. A reorganization brought it into the hands of the Union Pacific at the beginning of construction. The road was built as a narrow gauge, and received a grant of public land from Congress for its right-of-way. The roadbed construction crew reached the Beaverhead River near the mouth of Blacktail Deer Creek on September 16, 1879 and a tent town sprang up, which took the name of Dillon, honoring Sidney Dillon, president of the road. The ceremonies marking the beginning of the laying of track in Montana took place March 9, 1880, and in the competition in building railroads which was taking place, the road was pushed to completion to Silver Bow in the same year. The large number of workers required, and the strategic position of the Dillon settlement caused it to become permanent, contrary to expectation. It became an important distributing point to Virginia City and as a shipping center for the cattle raised in vast numbers in the Beaverhead and Big Hole Valleys. In 1881 Dillon became the county seat of Beaverhead and a two story frame building became the county courthouse.[85]

The Utah and Northern was consolidated with the Oregon Short Line in 1889 and the roadbed expanded to standard guage. In 1897 the two roads merged into the Oregon Short Line Railroad Company.[86] Railroads were greatly encouraged in the early period. They raised valuations of land and allowed for increased profits through better marketing, to say nothing of the convenience in being able to disband the stage coach and freighters. The railroads also yielded a substantial public revenue. In 1884, for instance, the Utah and Northern on its seventy-eight miles of roadbed and equipment in Beaverhead County had an assessment equal to over ten percent of the

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84. Paul C. Phillips, editor, "Battle of the Big Hole" in Sources of Northwest History, No. 8, Missoula, 1929; John E. Gibbon, "Chief Joseph's Own Story" in North American Review, April, 1879, vol. 128, pp. 424-427; Will Cave, Nez Perce Indian War of 1877 and Battle of the Big Hole, Missoula, Mont. n.d., pp. 16-23; C. A. Fee, Chief Joseph, Biography of a Great Indian, New York, 1936, pp. 183-193.
85. Leeson, op. cit., pp. 411, 412, 470, 478.
86. Robert G. Raymer, Montana, the Land and the People, New York, 1930, vol. 1, p. 340.

total assessed valuation of the county.[87] In 1938 this percentage had increased to almost eighteen percent.[88]

In 1910 a new railroad was built into the county from Gilmore and Salmon City, Idaho, to connect with the Oregon Short Line at Armstead. Its source in Gilmore, Idaho, and its financial backing in Pittsburgh, Pennsylvania gave it the name of the Gilmore and Pittsburgh Railroad.[89] The road was built for shipping the Idaho ores to refining plants, and because of the decrease of mining in the Idaho country it discontinued service April 30, 1939, pending proceedings before the Interstate Commerce Commission for authority to disband. The Commission authorized abandonment in March, 1940.[90]

In recent years, extensive road improvements have been carried on. The main highway from Butte to Ogden and Salt Lake City crosses the county, and another important highway enters the Big Hole by way of Gibbon's Pass.

Mining

The mining industry dropped rapidly after the exhaustion of the placer mines and in 1870, gold production in Beaverhead County amounted only to $366,340.[91] In 1880 this had further declined to a value of only $24,314.[92] It was not until after 1933, when the price of gold was greatly increased by government policy, that gold production was resumed. In 1937, Beaverhead County produced gold which at the enhanced price was valued at $390,890.[93] As the placer gold mines played out, prospectors turned to the hills in search of the ore from which came the gold. This, they found, produced more silver than gold and by 1880 silver production amounted to 873,727 ounces, worth $1,052,068.[94] With a drop in the price of silver during the eighties and nineties, silver mining decreased, and in

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87. Leeson, op. cit., p. 470.
88. Montana State Board of Equalization, Eighth Biennial Report, for the period July 1, 1936 to June 30, 1938, Helena, 1938, p. 106.
89. Montana State Board of Railroad Commissioners, Second Annual Report, September 1, 1908 to November 30, 1909, p. 262.
90. Letter from the Montana State Board of Railroad Commissioners, Helena, April 2, 1940.
91. United States Bureau of the Census. Ninth Census of the United States, 1870. Industry and Wealth, Table XV. The Ter- of Montana by Counties, p. 779.
92. United States Bureau of the Census. Tenth Census of the United States, 1880, vol. 13, pt. 13. Precious Metals, Table CLIX, p. 338.
93. Minerals Year Book, 1938, p. 334.
94. United States Bureau of the Census. Tenth Census of the United States, 1880, vol. 13. Precious Metals, Table CLIX.

1904 silver production was only 59,870 ounces valued at $34,258.[95] In 1915 it produced 65,733 ounces, worth $33,327;[96] in 1921, 33,522 ounces worth $37,522.[97] The increased price of silver stimulated production and the next year there were mined 136,244 ounces of silver worth a dollar an ounce.[98] The price of silver then dropped and production declined. In the thirties when the government began bidding up the price of silver, mining in Beaverhead County increased, and in 1936 the county produced 291,831 ounces of silver worth $226,023.[99]

Agriculture

The principal wealth of Beaverhead County is in agriculture and stock raising. Ranching began in 1862 but did not become of importance until after the construction of a railroad through the county. In 1866 a Mrs. Selway brought into the country its first ranch stock consisting of three brood mares, nine cows, and six oxen.[100] The first sheep in the county were driven in by John F. Bishop and Dick Reynolds in 1869, and the following spring Charles A. Broadwater bought the wool for nineteen cents a pound.[101] Of less value was the introduction of dandelion seed brought in by Mrs. Martin Barrett and Mrs. Philip H. Poindexter and planted near Bannack in the spring of 1868.[102]

In the Beaverhead Valley, oats and hay have been the principal crops since ranching started there. Until the coming of the automobile, many horses were raised in the county but in 1938, only 7,447 horses and mules, valued at $206,440, were left.[103] Sheep have long been a source of profit and in 1938 there were returned for assessment 156,110 head, valued at $724,197.[104] The Big Hole Valley has rich pastures and an abundance of wild hay. In the later nineties ranchers began to establish themselves there and to raise great herds of cattle and fatten them. In 1938 there were listed in the county, 50,367 cattle, valued at $1,361,985.[105] Irrigation has developed slowly and in 1938 there were only 47,863

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[95] United States Geological Survey, Mineral Resources of the United States, 1904, p. 193.
[96] Ibid., 1915, p. 586.
[97] Ibid., 1921, pt. 1, p. 291.
[98] Ibid., 1922, pt. 1, p. 465.
[99] Ibid., 1938, p. 333.
[100] Leeson, op. cit., p. 469.
[101] Dimsdale, op. cit., p. 238.
[102] Ibid., p. 241.
[103] Montana State Board of Equalization, Eighth Biennial Report. p. 69.
[104] Ibid., p. 83.
[105] Ibid., p. 77.

acres of irrigated land in the county and 140,784 acres of tillable non-irrigated lands.[106] The whole tillable area is slightly less than seven percent of the whole county.

Economic and Social Progress

The population of Beaverhead County has grown steadily since about 1875. In 1880 there were 2,712 people in the county.[107] In 1890 the population had grown to 4,655;[108] in 1900 it was 5,615,[109] in 1910 it rose to 6,446;[110] in 1920 it reached its peak at 7,369,[111] In 1930 the number of people had fallen to 6,654,[112] of whom 721 were foreign born whites and eighty-three were of other races.[113]

The total assessed valuation of Beaverhead County for 1938 was $15,131,685, making it twenty-fifth in the State in this respect.[114] The county is first in total size in the State, but its 1,066,296 taxable acres places it seventeenth in this ranking.[115] In 1938 the average taxable value of its farm and grazing lands was $1,19 per acre compared with a State average of $1.56 and its tax rate was .07 per acre while the State average was .096.[116] The county indebtedness decreased from $18,514.55 in 1923 to $12,843.22 in 1938; school district indebtedness decreased from $218,538.12 in 1923 to $164,152.40 in 1936.[117]

Even before the establishment of a "Common School System for

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[106] *Ibid.*, p. 53.

[107] United States Bureau of the Census. *Tenth Census of the United States*, 1880. *Statistics of the Population of the United States. Population*, vol. I, Table II, p. 70.

[108] United States Bureau of the Census, *Eleventh Census of the United States*, 1890, pt. I. *Population*, Table III. p. 258.

[109] United States Bureau of the Census, *Twelfth Census of the United States*, 1900. *Population*, vol. I, pt. I, Table V, p. 249.

[110] United States Bureau of the Census. *Thirteenth Census of the United States*, 1910. *Population*, vol. II, Table I. p. 1138,

[111] United States Bureau of the Census. *Fourteenth Census of the United States*, 1920. *Population*, vol. I, Table 49, p. 115.

[112] *Fifteenth Census of the United States*, 1930. *Population*, vol. III, Table XI, p. 16.

[113] *Ibid.*, p. 22.

[114] Montana State Board of Equalization, *Eighth Biennial Report*, *op. cit.*, p. 106.

[115] *Ibid.*, p. 63.

[116] *Ibid.*, p. 127.

[117] *Ibid.*, p. 134.

the Territory of Montana" in 1865,[118] the people of Bannack were supporting education by a subscription school. Public education, supported by taxes, began in 1865. The first high school was established in Dillon in 1900.[119] In 1932 there were 918 elementary pupils and 391 in the high school with a total of 73 teachers.[120] In 1893 a State normal school for the training of teachers was established at Dillon.[121] In 1903 it was expanded into a college.[122]

Father De Smet brought religious rites into Beaverhead County in August, 1840, but because of the transient nature of the early population religious organization did not take early root there. The first Protestant service was held by a Baptist minister in the J. M. Selway home near Bannack in August 1865. Rev. W. W. Van Orsdale and F. A. Richett for the Methodist Church held the first service in Dillon soon after its establishment.[123] Church organizations in the county now include Roman Catholic, Episcopalian, Methodist, Presbyterian, Lutheran, Baptist, and Christian Scientist.

Newspaper publishers followed closely the influx of miners in early Montana. The story is told that a printer with a very small press, now in the possession of the State Historical Society at Helena, came into Bannack a few weeks after the camp was established and with the aid of Wilbur F. Sanders published a single copy of a poster size paper, the Bannack News-Letter. The exodus to Alder Gulch prevented further issues.[124] The Atlantis, issued by L. R. Freeman at Glendale, Dec. 16, 1879, was the first orthodox newspaper to be published in the county. This paper was discontinued late in 1880 and the Dillon Tribune succeeded it in 1881.[125] The Dillon Tribune is still being published as a weekly and publishes a small daily advertising sheet, The Daily Messenger. The Dillon Examiner began publication in 1890 and continues as a weekly. The Lima Register is the only other newspaper published in the county.[126]

The early settlers in Beaverhead County voted mostly for Democrats. After the turn of the century, the county became Republican. In 1932, 1934, and 1936, the county voted Democratic but in 1938 the Republicans elected most of the county officers.[127]

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118. Mont. Ter. S. L., 1st sess., 1864-65, pp. 433-443.
119. Beaverhead County Superintendent of Schools' Report, 1908.
120. Idem, 1938.
121. Mont. S. L., 1893, p. 180, sec. 1.
122. Ibid., 1903, ch. 29, sec. 1.
123. Leeson, op. cit. pp. 470, 479.
124. The Kalispell Times, March 7, 1940.
125. Leeson, op. cit. p. 335.
126. A Directory of Newspapers and Radio Stations in Montana for 1938, Helena, Montana, 1938, p. 6.
127. Beaverhead County Election Returns, see entry 231.

EVOLUTION OF BEAVERHEAD COUNTY BOUNDARIES

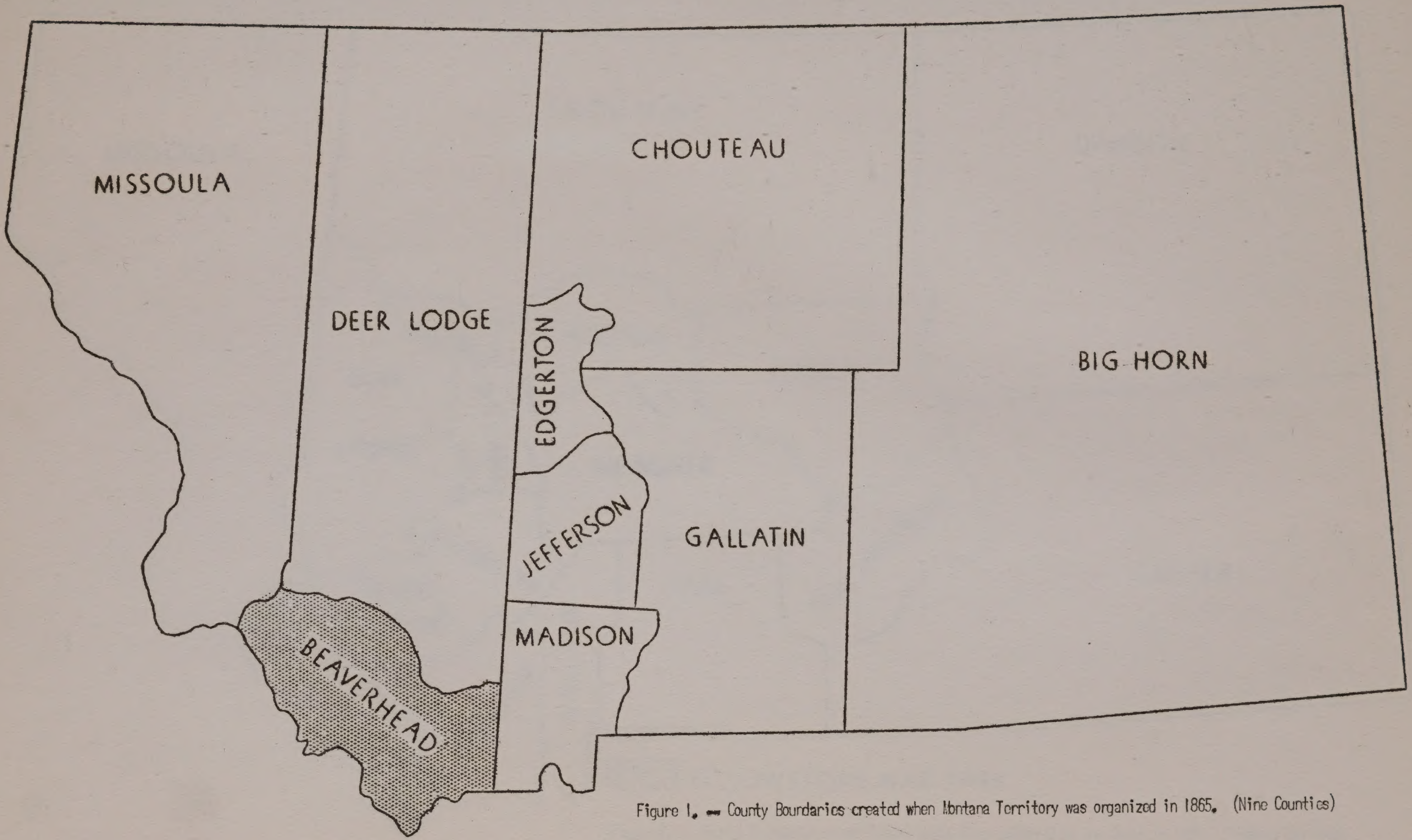
MISSOULA
DEER LODGE
CHOUTEAU
BIG HORN
EDGERTON
JEFFERSON
GALLATIN
MADISON
BEAVERHEAD

Figure I. — County Boundaries created when Montana Territory was organized in 1865. (Nine Counties)

EVOLUTION OF BEAVERHEAD COUNTY BOUNDARIES

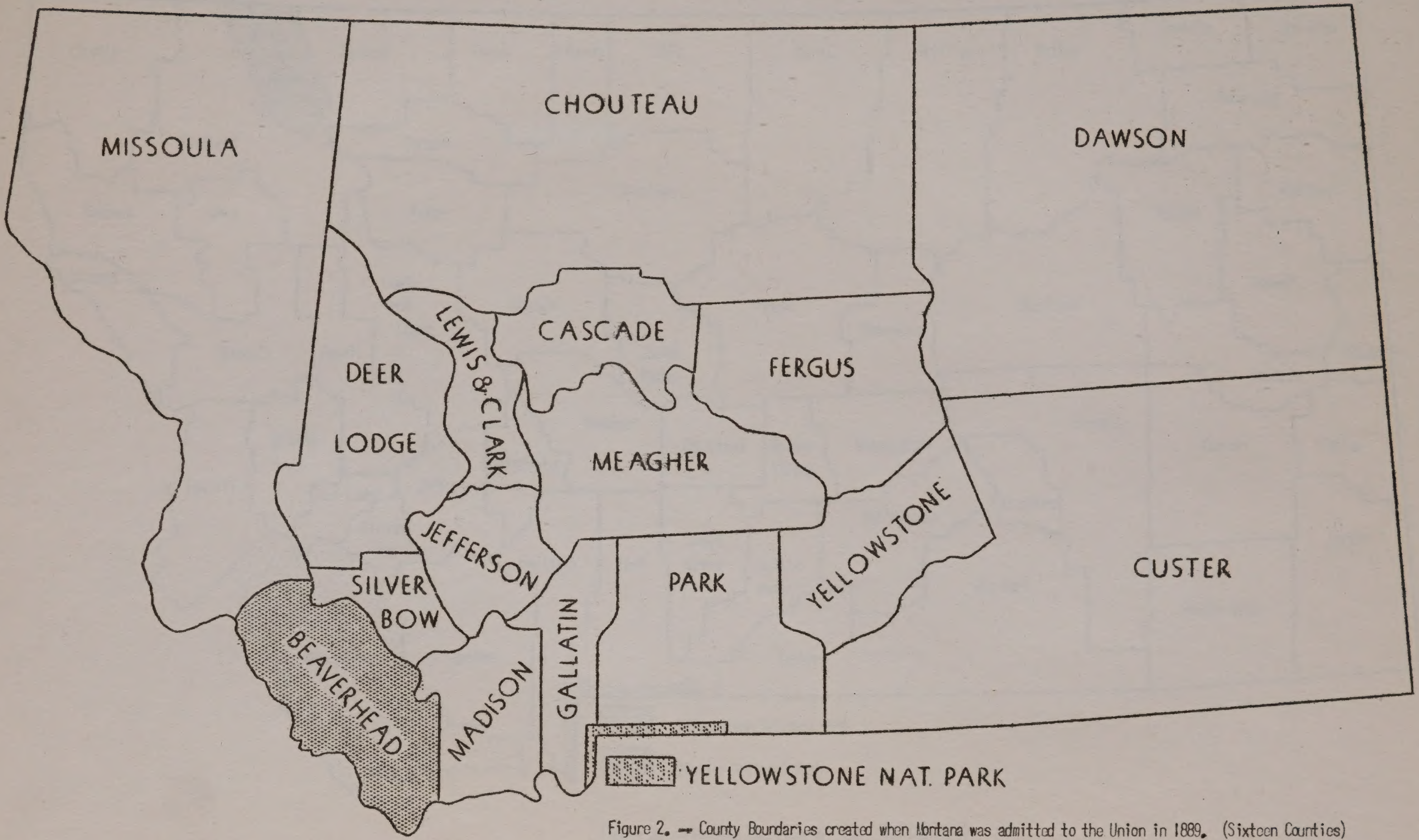
MISSOULA
CHOUTEAU
DAWSON
CASCADE
FERGUS
DEER LODGE
LEWIS & CLARK
MEAGHER
JEFFERSON
YELLOWSTONE
CUSTER
SILVER BOW
PARK
BEAVERHEAD
GALLATIN
MADISON
YELLOWSTONE NAT. PARK

Figure 2. → County Boundaries created when Montana was admitted to the Union in 1889. (Sixteen Counties)

EVOLUTION OF BEAVERHEAD COUNTY BOUNDARIES

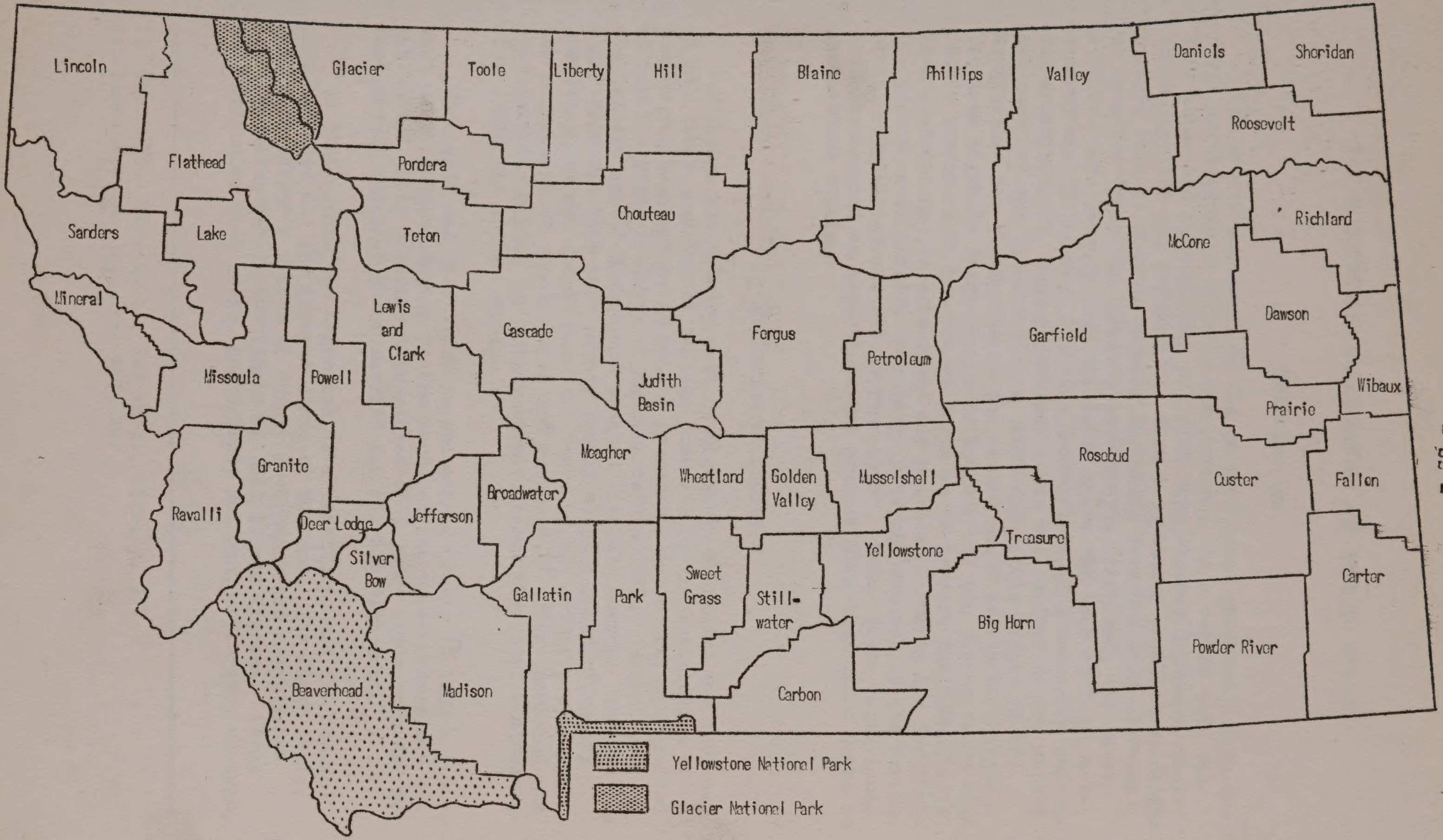
Lincoln
Flathead
Glacier
Toole
Liberty
Hill
Blaine
Phillips
Valley
Daniels
Sheridan
Roosevelt
Pondera
Chouteau
Richland
McCone
Sanders
Lake
Teton
Mineral
Lewis and Clark
Cascade
Fergus
Garfield
Dawson
Missoula
Powell
Judith Basin
Petroleum
Wibaux
Prairie
Granite
Meagher
Wheatland
Golden Valley
Musselshell
Rosebud
Custer
Fallon
Ravalli
Deer Lodge
Jefferson
Broadwater
Treasure
Silver Bow
Gallatin
Park
Sweet Grass
Still-water
Yellowstone
Big Horn
Carter
Powder River
Beaverhead
Madison
Carbon
Yellowstone National Park
Glacier National Park

Figure 3. — Montana Counties in 1939. (56 Counties)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Introduction

The county developed as the unit of local government with the first settlements in what is now Montana. In a region with valleys separated by mountains and with vast semi-arid plains, close community life was impossible. With a scattered population, neighborhood affairs were so lacking in public interest that there was no need for "town" or township government. Then too, the early settlers came largely from the South where the unit of local government was the county, and this doubtlessly influenced the political organization. County government was well suited to the political needs of the pioneer mining camps and cattle ranges of the Northwest. The boundaries of the county could easily be changed. Its area might be large enough to include all the mining camps that felt a common need, but not so large as to prevent the inhabitants from controlling its management and policies. During the Territorial period local affairs were largely beyond control of the Territorial authorities and the Supreme Court. Under these conditions, counties assumed an importance far greater than they could claim in the eastern states.

Evolution of Counties

Although the country west of the Rocky Mountains was included within the boundaries of various counties by the legislature of Oregon and Washington, no county government was actually organized within the present limits of Montana before 1860. In that year the legislature of Washington created Missoula County. The law already provided that each county should elect a board of county commissioners who should have the "care of the county property and the management of county funds and business."[1] This furnished the precedent for making the county commissioners the chief administrative officials of the county.

When gold was discovered in Beaverhead County in 1862 a government organization adapted to the needs of the mining camps was established. This government consisted of a judge and a recorder for each mining district and a sheriff for all the districts.[2]

In 1863, Idaho was organized as a Territory, and its boundaries included all the present state of Montana. Its first legislature organized a system of county government and established seven counties within the limits of what is now Montana. These were Missoula, Deer Lodge, Beaverhead, Madison, Jefferson, Choteau,

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1. Washington Ter. S. L., 1st sess., 1854, p. 473.
2. Dimsdale, *op. cit.*, pp. 201, 202.

and Dawson.[3] These seven counties were remote from the capitol of Idaho and the forbidding range of the Bitterroots barred the way to communication with it. They had common interests of their own, and they united in seeking a separate Territorial government.

The result of their efforts was the creation of Montana Territory in 1864. The first Territorial legislature met at Bannack that same year and reenacted the law establishing the counties created by Idaho, renamed Dawson County, Big Horn, and formed the new counties of Edgerton and Gallatin.[4] Two years later Edgerton County was renamed Lewis and Clark.[5] Big Horn County, which included nearly half the Territory, was so sparsely settled that it did not have a complete county organization, and was attached to Gallatin County for judicial and legislative purposes.[6] In 1877, Big Horn County was renamed Custer.[7] During the Territorial period, seven other counties were added. These were Meagher, Dawson, Silver Bow, Yellowstone, Fergus, Cascade, and Park.[8]

From the beginning of Statehood in 1889 until 1914, the number of counties increased to thirty-nine.[9] The legislature of 1893 created five of them; namely, Granite, Ravalli, Flathead, Teton, and Valley.[10] Thenceforth, new counties were formed principally in the eastern and northern parts of the State. After the completion of the Great Northern Railroad, dry land farming attracted settlers and the "prairie sod was broken up for wheat production with consequent increases in population and expansion of governmental services." The comparatively high prices received for wheat during the war period combined with the generally increased demands of the people following the war for more and better governmental services such as improved roads, schools, public buildings, etc., caused a large demand for new counties.[11]

Prior to 1911, new counties had been created only by the legislature. In 1911 the State legislature passed an act providing that new counties might be created by a vote of the people living in the

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3. Idaho Ter. S. L., 1st sess., 1863-64, (Lewistown, 1864), pp. 674-676. The spelling Choteau was later changed to Chouteau, Mont. S. L., 1903, ch. 74.
4. Mont. Ter. S. L., 1st sess., 1864-65, pp. 528 ff.
5. Ibid., 4th sess., 1867, p. 130.
6. Ibid., 1st sess., 1864-65, p. 531, sec. 9.
7. Ibid., 10th sess., 1877, p. 425, sec. 1.
8. Mont Compiled Stat., 1887, ch. 38, pp. 832-840, 1238; Mont. Ter. S. L., 15th sess., 1887, p. 105.
9. Mont. R. C., 1921, secs. 4305-4358.
10. Mont. S. L., 1893, pp. 188-212.
11. Roland R. Renne, Montana County Organization, Services and Costs, Bozeman, Montana, 1935, p. 9.

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[3] Idaho Terr. S. L., 1st sess., 1863-64, (Lewiston, 1864), pp. [illegible]. The spelling Choteau was later changed to Chouteau, Mont. S. L., 1907, c. 14.
[4] Mont. Terr. S. L., 1st sess., 1864-65, pp. [illegible].
[5] Ibid., [illegible] sess., 1867, p. [illegible].
[6] Ibid., 1st sess., 1864-65, p. [illegible], sec. 2.
[7] Ibid., 10th sess., 1877, p. [illegible], sec. 1.
[8] Mont. Compiled Stat., 1887, [illegible]; Mont. Terr. S. L., 16th sess., 1889, p. [illegible].
[9] Mont. Rev. Codes, 1921, secs. [illegible].
[10] Mont. S. L., 1893, pp. [illegible].
[11] Roland R. Renne, Montana County Organization, Services and Costs, [illegible] Bozeman, Montana, 1935, p. [illegible].

Proposed new county at an election in which not less than sixty-five percent of the votes cast should favor the proposal. The act stipulated that the old county's assessed valuation could not be reduced below five million dollars nor the area made less than eight hundred square miles, and the new county's assessed valuation could not be less than four million dollars. Provisions of this law were changed in 1929 when an amendment fixed the minimum assessed valuation at twelve million dollars and area at twelve hundred square miles for the old county, and ten million dollars and one thousand square miles for the new county. Under this act only fifty-eight percent of the electors of the proposed new county was necessary for approval.[12]

Under these conditions the number of counties increased to fifty-four by 1920.[13] Since that time only two new counties have been added; Lake in 1923[14] and Petroleum in 1925.[15] The depression brought on a great reduction in tax values, and frequent droughts have further reduced tax income. Burdens of debt, mortgages, and foreclosures have increased tax delinquencies, and finally, the Federal land purchase program has reduced by 1,800,000 acres the land subject to local taxation. Since the depression there has been agitation for the consolidation of counties. This was checked, however, by a constitutional amendment approved in 1936, which prohibited the consolidation of counties "except by a majority of the duly qualified electors."[16]

Territorial Government

During the Territorial period the government and powers of counties were defined by law. The first legislature established a system of county government which remains substantially the same today. It described the county as a "body corporate and politic" with power to own property, to make contracts, and to sue and be sued.[17] The county was also entrusted by implication with public works, social welfare, local law enforcement, and the making and care of public records. The powers of the county were to be exercised by a "board of county commissioners" elected by the qualified voters. The law also provided for a county clerk who should be clerk of the board of county commissioners and ex-officio county

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12. Mont. S. L., 1911, ch. 112, pp. 205-223; Ibid., 1919, ch. 226, sec. 4; Ibid., 1929, ch. 106, sec. 1; Mont. R. C., 1935, secs. 4390, 4395.
13. Mont. R. C., 1921, secs. 4305-4358.
14. Mont. S. L., 1923, pp. 623 ff.
15. Ibid., 1925, pp. 505 ff.
16. Ibid., 1937, pp. 731, 732; Const., 1889, art. 16, sec. 8 appended, 1936.
17. Mont. Ter. S. L., 1st sess., 1864-65, pp. 498, 499; Mont. R. C., 1935, secs. 441, 4444.

auditor and recorder, and for a sheriff, coroner, treasurer, surveyor, assessor, probate judge,[18] and superintendent of schools.[19] The probate judge was given power to appoint a public administrator,[20] and in 1883 the office was made elective.[21] The Organic Act provided for three judicial districts each to be served by a clerk.[22] In 1867 the law directed that there be a clerk of the court in each county.[23] The first legislature provided for a district attorney in each district to act as a prosecuting officer.[24] For convenience in law enforcement the county commissioners were authorized to form townships, and each township was to have two justices of the peace and two constables.[25] The county superintendent was directed to divide the county into school districts, each to have three directors and a clerk.[26]

During the Territorial period changes in the law regarding the powers and duties of counties were administrative in character. The legislature, from time to time, gave more specific directions as to the manner in which county business should be carried on. In 1872 it carefully defined the procedure in bringing suits for and against the county and set out in great detail all formalities in handling its finances.[27] Except for the office of district attorney which was succeeded by that of county attorney in 1885 and the office of probate judge, which was abolished in 1889, the county and township offices continue to the present time with substantially the same type of powers.

Constitution of 1889

The Constitution of 1889 stipulated that the counties existing at that time were to remain counties until otherwise provided by law,[28] and the laws relating to county government should remain in force until changed by the legislature.[29] It also provided that all the county offices that existed during the Territorial period, except that of probate judge, should continue.[30] The duties of

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[18] Mont. Ter. S. L., 1st sess., 1864-65, pp. 499-522.
[19] Ibid., 1864-65, p. 434.
[20] Ibid., p. 322, sec. 1.
[21] Mont. Ter. S. L., 1883, p. 36.
[22] Organic Act for the Territory of Montana, 1864, sec. 9.
[23] Mont. Ter. S. L., 4th sess., 1867, p. 79.
[24] Ibid., 1st sess., 1864-65, p. 352.
[25] Ibid., 1st sess., 1864-65, p. 501, sec. 14; p. 521, sec. 1.
[26] Ibid., p. 434, sec. 3; p. 437, sec. 3; p. 439, sec. 9.
[27] Ibid., 7th sess., 1872, ch. 21, pp. 434-439.
[28] Const., 1889, art. 16, sec. 1,
[29] Ibid., art. 20, sec. 1.
[30] Ibid., art. 16, secs. 4, 5.

the probate judge were divided between the district judge, the clerk of the court, and the public administrator. The legislature was granted authority to provide for the election or appointment of such other county, township, precinct, and municipal officers as public convenience might require.[31] In 1891 it provided for the office of auditor in counties having a valuation of $8,000,000 or more.[32]

The Constitution assumed the continued existence of counties, but did not define generally their powers and duties. It granted the county power to levy taxes for its own use[33] and assigned it the duty of caring for its needy inhabitants.[34] Both the taxing power and the relief duties were subject to legislative regulation. It also placed some restrictions on the county which the legislature could not override. These forbade any county, city, town, or school district to lend its credit, to make grants to any individual or corporation, to buy stock in any corporation,[35] or to make grants "in aid of any church or for any sectarian purpose or aid in support of any school or institution controlled in whole or in part by any church or sect."[36] The Constitution also fixed the limit on county indebtedness at five percent of the value of all taxable property.[37]

Uniformity of county government was insisted upon by the Constitution. This fundamental law forbade the legislature to pass any "local or special laws" for "locating or changing county seats;" for "regulating county or township affairs;" or for "creating offices, or prescribing the powers or duties of officers in counties, cities, townships, or school districts." In no case should it pass a special law where a general law would apply.[38]

Consolidation of Government

This prohibition of special laws was modified by an amendment adopted in 1922 which stated that the legislative assembly might, either by "general or special law, provide any plan, kind, manner, or form of municipal government for counties, or counties and cities and towns, and consolidate or merge cities and towns and county under one municipal government." Such reforms, however,

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[31] Ibid., art. 16, sec. 6.

[32] Mont. S. L., 2nd sess., 1891, p. 227.

[33] Const., 1889, art. 12, sec. 4.

[34] Ibid., art. 10, sec. 5.

[35] Ibid., art. 13, sec. 1.

[36] Ibid., art. 11, sec. 8.

[37] Ibid., art. 13, sec. 5.

[38] Ibid., art. 5, sec. 26.

could not be put into practice without the approval of the voters in the county and cities concerned.[39]

Under authority of this amendment the legislature in 1923 passed an act for "city and county consolidated government" which allowed the voters of any county to consolidate the county and cities within the county limits. The government was to be of the commission-manager type. The manager was to have large powers of appointment and removal, and to be responsible for the maintenance of peace. In matters of finance and general business he must secure the approval of the commission, which is elective.[40] No government of this type has yet been established in Montana.

Classification of Counties

The Constitutional uniformity in the powers and duties of counties, and in their governmental organization, has not prevented the legislatures from classifying them for certain purposes according to their property valuation. The principal purposes are to determine county offices, to fix salaries of the officers, and to provide the number of deputies. The first law passed in 1891 established three classes of counties. The first class had an assessed valuation of $8,000,000 or more, the second class an assessed valuation of from $4,000,000 to $8,000,000, and the third class less than $4,000,000.[41] A new law passed in 1895 established eight classes. Counties with an assessed valuation of $20,000,000 or more were assigned to the first class; from $15,000,000, to $20,000,000; to the second class; from $10,000,000 to $15,000,000 to the third class; from $8,000,000 to $10,000,000 to the fourth class; and there was a reduction in class with every $2,000,000 less of valuation.[42]

In 1905 and again in 1915 the law regarding the valuation for each class of counties was amended.[43] In 1917 a valuation for each class of counties was fixed as follows: first class, $50,000,000 or over; second class, $30,000,000 to $50,000,000; third class, $20,000,000 to $30,000,000; fourth class, $15,000,000, to $20,000,000; fifth class, $10,000,000 to $15,000,000; sixth class, $5,000,000 to $10,000,000; seventh class, $5,000,000 or less.[44]

Beaverhead County with a valuation of $3,175,949 in 1891[45] was placed in the third class; when the law of 1895 was passed, the

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39. Const., 1889, art. 16, sec. 7 appended 1922.
40. Mont. S. L., 1923, ch. 121, pp. 298-338.
41. Mont. S. L., 1891, p. 236, sec. 2.
42. Mont. Pol. C., 1895, sec. 4328.
43. Mont. S. L., 1905, pp. 47, 48; Ibid., 1915, ch. 70, pp. 97-98.
44. Ibid., 1917, ch. 76, pp. 116-117; Mont. R. C., 1935, sec. 4741.
45. Second Annual Report of the State Board of Equalization of the State of Montana, December 1, 1891, Helena, Montana, 1892, p. 38.

county had a valuation of $3,294,522[46] and was placed in the seventh class. In 1901 the valuation had increased to $4,122,649,[47] placing the county in the sixth class. The 1914 assessment raised the county to the fifth class with a valuation of $9,542,504,[48] but the law of 1917 increasing the valuations for each class reduced the county again to the sixth class, and the steady decline in valuation, beginning in 1926, continued until in 1933 it was only $4,736,304.[49] Since then the county has been in the seventh class although the valuation has increased slightly until in 1938 it was $4,850,637.[50]

In each class of counties the law fixes the rate of pay for county officials, and the number of deputies in each office.[51] It also provides that in counties of the first, second, third, and fourth classes there shall be an auditor.[52] In Beaverhead County the office of auditor was established in 1918 and abolished in 1922.[53]

County Subdivisions

The political organization of counties, as established by the legislatures, follows the form laid down during the Territorial period, and this in turn was based on the "county form of government" which had existed in the South. Townships, school districts, and other special districts were recognized by law as subdivisions of the county, and their officials were subject to supervision by county officers.[54] However, each county must have at least two townships,[55] and each township should have two justices of the

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46. Sixth Annual Report of the State Board of Equalization of the State of Montana, 1895, p. 23.
47. Twelfth Annual Report of the State Board of Equalization of the State of Montana, 1901, p. 20.
48. Twentieth Annual Report of the State Examiner of Montana, Helena, Montana, 1914, p. 281.
49. Seventh Biennial Report of the Board of Equalization of Montana, July 1, 1934 to June 30, 1936, Helena, Montana, 1936, p. 132.
50. Eighth Biennial Report of the Montana State Board of Equalization, July 1, 1936 to June 30, 1938, (1938), p. 106.
51. Mont. S. L., 1891, pp. 235-239, secs. 3, 4; Ibid., 1921, ch. 151 sec. 1; Mont., R. C., 1935, secs. 4867-4883.
52. Mont. S. L., 1891, p. 227, sec. 1; Ibid., 1923, ch. 117, sec. 1; Mont. R. C., 1935, ch. 367, sec. 4824.
53. Abstract of Elections of Beaverhead County, 1918, 1922.
54. Mont. Pol. C., 1895, sec. 4230; Mont. S. L., 1931, ch. 100, sec. 1; Mont. R. C., 1935, sec. 4465.
55. Mont. State ex. rel. Gillett vs. Cronin, 41 Mont. 293, 296; 109 Pac., p. 144.

peace and two constables. Beaverhead County is divided into four townships. Dillon has two justices, and Lima and Wisdom each have one. There is none in Armstead, and Lima has the only constable in the county.

Legal Status of Counties

Montana counties which exist by Constitutional and legislative authority are agents of the State in the administration of the law. The legislation which defines their powers and duties ordinarily leaves them a limited independence in managing their own affairs.

The functions of the county, both as agent of the state and as an organ of local government, are enumerated and defined by law. They include almost everything that might be considered as county purposes: general administration, care of public records, law enforcement, taxation, social and economic welfare, and public works.[56]

Administration

General administration of the county is under the control of the board of county commissioners. The county clerk acts as its clerk, the auditor, when the office exists, as its financial secretary. The commissioners determine within the limits of the law all matters of county business and policy.[57] They make appointments,[58] supervise other officials,[59] pass rules and regulations for the conduct of business with the county,[60] and perform all political acts.

Recording

An important function of the county is the recording of business papers and other important documents. This recording is done by the recorder in books kept for the purpose and the recorded

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56. Mont. R. C., 1935, index.
57. Mont. S. L., 1st sess., 1864-65, p. 499, sec. 3; Mont. R. C., 1935, secs. 4459, 4465.21, 4830.
58. Mont. Pol. C., 1895, sec. 4230; Mont. S. L., 1905, ch 22. sec. 3; Ibid., 1909, ch. 61, secs. 2, 3; Mont. R. C., 1935, secs. 4465.18, 4473, 4484, 4485.
59. Mont. Pol. C., 1895, sec. 4230; Mont. S. L., 1931, ch. 100, sec. 1; Mont. R. C., 1935, sec. 4465.
60. Ibid.

copies have the legal value of the original instruments. This safeguards important papers from loss by fire, theft, or from other causes and establishes ownership of property.

The recorder must record all papers involving the ownership of real estate such as deeds,[61] leases,[62] mortgages,[63] and judgments.[64] He must also record or file contracts for sale of personal property[65] and other papers relating to chattels.

The law states that "Before an instruments can be recorded its execution must be acknowledged by the person bound by it."[66] There are some exceptions to this as in the case of judgments affecting the title to real estate which may be recorded upon the certification of the clerk of the court[67] and of letters patent from the United States.[68]

Most papers that are recorded have the originals on printed forms and these forms are used extensively in the recorded copies. Ordinarily the originals are returned to the owner, but in the case of ownership by the county they are kept in the recorder's office, though they should be considered as belonging to the commissioners. The recorder is required to prepare indexes and registers of recorded papers, and these serve for ready location of any recorded instrument.

Administration of Justice

The administration of justice in the history of Montana has been performed by district, probate, and justice courts with a Supreme Court having power to review decisions of the lower courts. During the Territorial period, the district courts were given jurisdiction in all civil cases involving amounts exceeding $50.00[69] and the probate and justice courts were given a limited jurisdiction.[70] When Montana was admitted as a state, the probate court was discontinued and its jurisdiction in civil cases assumed by the

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61. Mont. Compiled Stat., 1887, 5th div., sec. 260; Mont. R. C., 1935, sec. 6935.
62. Mont. S. L., 1917, ch. 22, sec. 1; Mont. R. C., 1935, sec. 6902.
63. Mont. Civil C., 1895, sec. 3844; Mont. R. C., 1935, sec. 8266.
64. Mont. Civil C., 1895, sec. 1570; Mont. R. C., 1935, sec. 6890.
65. Mont. S. L., 1899, p. 124, sec. 1; Mont. S. L., 1925, ch. 145, sec. 1; Mont. R. C., 1935, sec. 7594.
66. Mont. Civil C., 1895, sec. 1573; Mont. R. C., 1935, sec. 6893.
67. Mont. Civil C., 1895, sec. 1571; Mont. R. C., 1935, sec. 6891.
68. Mont. Civil C., 1895, sec. 1572; Mont. R. C., 1935, sec. 6892.
69. Mont. Ter. S. L., 1st sess., 1864-65, p. 137, sec. 473.
70. Ibid., p. 26, sec. 9; p. 150 secs. 545-547; p. 139, sec. 482.

district court.[71] A similar course has been followed in criminal jurisdiction. Probate cases were handled by the probate court until 1889 when the Constitution also transferred jurisdiction in these cases to the district court.[72] The probate court could appoint a public administrator to take charge of estates of deceased persons when no one else undertook the administration.[73] In 1883 this office was made elective.[74] No special provision was made for juvenile cases until 1907 when an act was passed providing special treatment of juvenile delinquents by the district court, which could appoint the sheriff, deputy sheriff, or constable as probation officer.[75] In 1911, this law was made more comprehensive and the court was given power to appoint a regular salaried probation officer.[76] The district courts have concurrent jurisdiction with the Federal courts in naturalization cases. During the Territorial period appeals could be made from the probate and justice courts to the district court.[77] The Supreme Court had appellate jurisdiction in all civil cases involving at least $100 and in all criminal cases tried in district courts.[78] The Supreme Court now has appelate jurisdiction in all cases tried in district courts,[79] and the district court has appellate jurisdiction in cases tried in justice and other lower courts.[80]

Law Enforcement

The first Territorial legislature made the justice of the peace a "magistrate to preserve the peace." It also created the offices of sheriff and constable to maintain order and to act as officials of the courts. In case of disability of the sheriff the coroner was to act in his place.[81] The coroner was directed to hold inquests on bodies of persons supposed to have died by unlawful means for which purpose he could summon a jury and subpoena witnesses.[82] In the coroner's absence, his duties devolve on the justice of the peace.[83]

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71. Const., 1889, art. 20, sec. 4.
72. Mont. Ter. S. L., 1st sess., 1864-65, pp. 270-324; Const., 1889, art. 20, sec. 4.
73. Mont. Ter. S. L., 1st sess., 1864-65, p. 322, secs. 1, 8.
74. Ibid., 13th sess., 1883, p. 36.
75. Mont. S. L., 1907, ch. 126.
76. Ibid., ch. 122, sec. 1.
77. Mont. Ter. S. L., 1st sess., 1864-65, pp. 100, 137, secs. 274, 474.
78. Mont. Ter. S. L., 1st sess., 1864-65, p. 137, sec. 470.
79. Mont. Civil C., 1895, sec. 20; Mont. R. C., 1935, sec. 8804.
80. Mont. Civil C., 1895, sec. 42; Mont. R. C., 1935, sec. 8830.
81. Mont. Ter. S. L., 1st sess., 1864-65, pp. 218, 511, 512, 155.
82. Ibid., p. 513
83. Mont. Pol. C., 1895, sec. 4494; Mont. R. C., 1935, sec. 4852.

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[73] Const., 1889, art. [illegible], sec. [illegible].

[74] Mont. Terr. G. L., 1st sess., 1864-65, p. [illegible]; Const., 1889, art. [illegible], sec. [illegible].

[75] Mont. Terr. G. L., 1st sess., 1864-65, p. [illegible], sec. [illegible].

[76] [illegible]

[77] [illegible]

[78] [illegible]

[79] Mont. Terr. G. L., 1st sess., 1864-65, p. [illegible], sec. [illegible].

[80] [illegible]

[81] [illegible]

[82] [illegible]

[83] [illegible]

[84] [illegible]

During the Territorial period indictments were brought by a grand jury, summoned by the sheriff at the request of the district judge to investigate complaints. However, any magistrate could, upon examination of a complaint, order the sheriff to summon an accused.[84] Since Montana became a state this procedure has generally been replaced by information filed by the county attorney.[85] The sheriff must, upon the issue of a warrant, arrest suspects and bring them before the court and keep them in his custody unless released on bail.[86] It is the duty of any officer intrusted with preservation of the peace to arrest persons who they know intend to or have committed a crime. Private persons may arrest an individual committing a crime in their presence and also persons who they have reason to believe have committed a felony.[87] During the first years of the Territorial period, the district attorney was designated as public prosecutor.[88] Since 1885 the county attorney has been assigned these duties.[89] Upon receiving a certified copy of the sentence of a criminal, the sheriff must see that he receives the punishment to which sentenced.[90]

Financial

Budget

County income and expenditures are based on a budget adopted annually by the board of county commissioners. Before July 10 of each year each county official in charge of an office, department, service, or institution of the county must file with the county clerk an itemized estimate of probable revenues other than from taxation and all expenditures required for the current fiscal year.[91] These requirements must be tabulated by the county clerk and a preliminary budget is fixed by the county board. This budget is subjected to a public hearing which must be concluded by the second Monday in August after which the budget is adopted for each item in final form and must be adhered to except in cases of

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[84] Mont. Ter. S. L., 1st sess., 1864-65, pp. 222-236; Mont. R. C., 1935, sec. 11806.

[85] Const., 1889, art. 3, sec. 8; Mont. S. L., 1891, p. 249, sec. 2; Mont. R. C., 1935, sec. 11801.

[86] Mont. Ter. S. L., 1st sess., 1864-65, pp. 234, 235, secs. 106-118; Mont. R. C., 1935, sec. 4774.

[87] Mont. Ter. S. L., 1st sess., 1864-65, p. 207, sec. 124; Mont. Cod. Stat., 1871, p. 201, secs. 63, 64; Mont. R. C., 1935, sec. 11751.

[88] Mont. Ter. S. L., 1st sess., 1864-65, pp. 352, 353.

[89] Mont. Ter. S. L., 14th sess., 1885, ch. 44, p. 59; Const., 1889, art. 8, sec. 19; Mont. R. C. 1935, sec. 4819.

[90] Mont. Ter. S. L., 1st sess., 1864-65, p. 250, sec. 217; Mont. Pol. C., 1895, sec. 4381; Mont. R. C., 1935, sec. 4774.

[91] Mont. S. L., 1921, ch. 209, sec. 2; Ibid., 1929, ch. 148, sec. 1; Mont. R. C. 1935, sec. 4613.1.

emergency.[92] At the first of each month, the county clerk must submit to the county commissioners a report stating the receipts and expenditures for each fund, for the month and for the current fiscal year to date, together with the unexpended balance.[93]

Taxable Property

Property owned by public agencies and such property as is used exclusively for agricultural and horticultural societies, for educational and religious purposes, for hospitals and charitable institutions not operated for private or corporate gain, and (by Constitutional amendment approved 1918) debts secured by mortgages are exempt from taxation.[94] All property is divided into seven classes to be taxed at a percentage of the assessed value ranging from seven to one hundred percent according to the class to which it belongs.[95]

Assessment

The assessor must, between the first Monday in March and the second Monday in July, assess all property in his county subject to taxation except mines and inter-county property, which are assessed by the State Board of Equalization.[96] He then makes entries of the assessed valuation for each person in the assessment book prescribed by the State Board of Equalization. This book must be completed on or before the second Monday in July and delivered to the county clerk.[97]

Equalization

The county board of equalization, consisting of the county commissioners, must meet on the third Monday of July to examine the assessment book, hear petitions for reductions, and to make any adjustments they may deem necessary. This must be finished not later than the second Monday in August.[98] The State Board of Equalization

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[92] Mont. S. L., 1921, ch. 209, secs. 3-5; Ibid., 1929, ch. 148, secs. 2-5, Mont. R. C., 1935, secs. 4613.2-.5.

[93] Mont. S. L., 1929, ch. 148, sec. 7; Mont. R. C., 1935, sec. 4613.7.

[94] Const., 1889, art. 12, sec. 2; Mont. S. L., 1891, p. 73, sec. 2; Ibid., 1931, ch. 98, sec. 1; Mont. R. C., 1935, sec. 1998.

[95] Mont. S. L., 1919, ch. 51, secs. 1, 2; Mont. R. C., 1935, secs. 1999, 2000; Mont. S. L., 1937, ch. 130, sec. 1.

[96] Mont. Ter. S. L., 1864-65, pp. 416, 418; Mont. S. L., 1891, p. 78, sec. 13; Ibid., 1935, ch. 30, sec. 1; Mont. R. C., 1935, sec. 2002.

[97] Mont. Ter. S. L., 1867, p. 44, secs. 20, 21; Mont. S. L., 1891, pp. 84-86, secs. 34-37; Mont. R. C., 1935, secs. 2048-2052.

[98] Mont. Ter. S. L., 4th sess., 1867, p. 46, sec. 28; Mont. S. L., 1891, pp. 96-99, secs. 60-70; Mont. R. C., 1935, secs. 2113-20.

has power to adjust and equalize the valuation of taxable property among counties and of classes of property within a county, to review acts of the assessors and county boards of equalization, and to act as a board of appeal from decisions of such boards.[99]

Tax Levies

The State legislature must, in each session, fix a levy to meet appropriations for the next two years and a separate levy for school purposes.[100] The State Board of Equalization then sets the ad valorem rate necessary to meet the amount levied and transmits a statement of the rate to the county clerk.[101] The county commissioners must, on the second Monday in August, fix the tax levy for county purposes[102] and a levy for the common schools for the ensuing fiscal year.[103] The board of trustees of each school district must also meet on or before the second Monday in August and vote on any special moneys that may be needed above the regular amounts levied by the commissioners. This amount is certified to the county commissioners who fix a special school district levy not to exceed ten mills, unless authorized by a special school district election, to be computed, on the basis of the amount required and the taxable value of the property, for each district.[104] In cities where provision is not made for collection of taxes by the city treasurer the city clerk must certify to the county clerk the amount levied for the city or town.[105] The county Clerk enters in the assessment book the taxable value of property as based on the percentage classification assigned to it by the assessor.[106] He must add up the total valuation of all property in the assessment book and when the levies have been certified to him, must compute the amount of taxes due from each taxpayer.[107] He must deliver the assessment book to the county treasurer not later than

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[99] *Mont. S. L.*, 1923, ch. 3. secs. 8, 9; *Mont. R. C.*, 1935, secs. 2122.8, 2122.9.

[100] *Mont. S. L.*, 1891, pp. 104-105, secs. 80, 84; *Mont. R. C.*, 1935, secs. 2147-55.

[101] *Mont. S. L.*, 1923, ch. 3, sec. 13; *Mont. R. C.*, 1935, secs. 2122.13, 2149; *Mont. Pol. C.*, 1895, sec. 3824;

[102] *Mont. S. L.*, 1891, p. 104, sec. 81; *Mont. R. C.*, 1935, sec. 2150.

[103] *Mont. Cod. Stat.*, 1871, p. 630, sec. 44; *Mont. S. L.*, 1929, ch. 123, sec. 1; *Mont. R. C.*, 1935, sec. 1202.

[104] *Mont. S. L.*, 1901, p. 13, sec. 2; *Ibid.*, 1933, ch. 179, sec. 1; *Ibid.*, 1917, ch. 93, sec. 1; *Mont. R. C.*, 1935, secs. 1203, 1219.

[105] *Mont. Comp. Stat.* 5th Div., 1887, sec. 379; *Mont. S. L.*, 1925, ch. 49, sec. 1; *Mont. R. C.*, 1935, sec. 5216.

[106] *Mont. S. L.* 1925, ch. 61, sec. 4; *Mont. R. C.*, 1935, sec. 2001.4.

[107] *Mont. S. L.*, 1891, p. 106, sec. 89; *Mont. R. C.*, 1935, sec. 2160; State ex rel. Fadness V. Eie, 53 *Mont.* 138, 147; 162 *Pac.* 164.

the third Monday of October.[108]

County and School Income

The county treasurer collects taxes in biannual installments, the first payment being due November 30 and the second one May 31.[109] On the third Mondays of December and June the treasurer must report to the county clerk the amount of taxes collected and a list of delinquent property and its owners.[110] Delinquent real property is subject to tax sale by the treasurer to private parties. However, if no one bids enough to pay the taxes, it is purchased by the county but may be assigned by the treasurer upon payment of the taxes due, together with interest and penalties.[111] Property may be redeemed from tax sale within five years from the first delinquent installment, but the first year can not be redeemed until all subsequent payments have been made.[112] The county treasurer must issue a tax deed after the period for redemption has expired upon application from the purchaser of property at tax sale.[113] The county commissioners shall sell or lease property acquired through tax sale and credit monies received therefrom to funds in the same way as if received from taxes.[114] The treasurer may collect personal property taxes as soon as assessment is certified by the assessor if the taxes are not a lien upon sufficient real estate to secure payment. If payment is not made when demanded, he may seize and sell enough property to pay the taxes.[115]

Business establishments specified by law must obtain licenses from the county treasurer before beginning operation.[116] Fifty percent of revenue from this source is retained by the county treasurer and the other fifty percent is turned over to State funds.[117]

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[108] Mont. S. L., 1891, p. 107, sec. 90; Ibid., 1923, ch 96, sec. 9; Mont. R. C., 1935, sec. 2161.

[109] Mont. Pol. C., 1895, sec. 3860; Mont. S. L., 1923, ch. 96, secs. 1, 2; Mont. Ex. S. L., 1933, ch. 1, sec. 1; Mont. R. C., 1935, secs. 2169-2169.2.

[110] Mont. S. L., 1891, p. 109, sec. 101; Ibid., 1923, ch. 96, sec. 5; Mont. R. C., 1935, sec. 2176.

[111] Mont. S. L., 1891, p. 111, sec. 115; Ibid., 1929, ch. 31, sec. 1; Mont. R. C., 1935, sec. 2191.

[112] Mont. S. L., 1891, p. 113, sec. 122; Ibid., 1933, ch. 125, sec. 1; Mont. R. C., 1935, sec. 2201.

[113] Mont. S. L., 1891, p. 113, sec. 127; Mont. R. C., 1935, sec. 2206.

[114] Mont. S. L., 1933, ch. 65, secs. 1, 2; Mont. R. C., 1935, secs. 2208.1-. 2208.2.

[115] Mont. S. L., 1891, p. 121, secs. 157-159; Ibid., 1923, ch. 102, sec. 2; Mont. R. C., 1935, sec. 2239.

[116] Mont. Pol. C., 1895, sec. 4045; Mont. R. C., 1935, sec. 2415.

[117] Mont. S. L., 1905, ch. 76, sec. 1; Ibid., 1921, ch. 54, sec. 1; Mont. R. C., 1935, sec. 2420.

Licenses for dance halls outside the limits of incorporated towns must be obtained from the county clerk upon approval by the county commissioners and payment of the fee to the county treasurer.[118] The county treasurer issues butchers' licenses and deposits the receipts in the general fund.[119] He also issues licenses to drivers of motor vehicles[120] and registration licenses for motor vehicles, trailers, and dealers in motor vehicles and automobile accessories. Fees from the latter source are credited to the county motor vehicle license fund.[121]

All salaried officials must make monthly payments to the county treasurer of fees collected for services performed by their offices.[122] The county commissioners may levy a road tax on male persons between the ages of 21 and 50[123] and a per capita poor tax.[124] County property may be leased by the county commissioners[125] or sold at public auction[126] and the revenue therefrom distributed to county and trust and agency funds.

Ninety-five percent of interest received from school funds and rent from school lands must be apportioned to the school districts of the State according to the number of persons between the ages of 6 and 21. The remaining five percent must be deposited in the permanent school fund.[127] Fines and penalties are paid into the county school fund.[128]

Deposit of Funds

County funds collected by the county treasurer must be deposited on a proportioned basis in county banks at a maximum rate of 2 percent interest. The treasurer must require such security

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[118] Mont. S. L., 1929, ch. 121, secs. 2, 6; Mont. R. C., 1935, secs. 2815.2, 2815.6.

[119] Mont. S. L., 1923, ch. 75, sec. 2; Mont. R. C., 1935, sec. 2298.17.

[120] Mont. S. L., 1935, ch. 185, sec. 10; Ibid., 1937, ch. 182, sec. 9; Mont. R. C. S., 1939, sec. 1741.11.

[121] Mont. S. L., 1917, ch. 75, sec. 6; Ibid., 1937, ch. 138, sec. 1; Mont. R. C. S., 1939, sec. 1760.

[122] Mont. Pol. C., 1895, sec. 4606; Mont. R. C., 1935, sec. 4887.

[123] Mont. Ter. S. L., 1874, p. 110, sec. 19; Mont. S. L., 1933, ch. 2, sec. 1; Mont. R. C., 1935, sec. 1617.

[124] Mont. Ter. S. L., 3rd sess., 1866, p. 72, sec. 1; Mont. Pol. C., 1895, sec. 4230; Mont. S. L., 1931, ch. 100, sec. 1; Mont. R. C., 1935, sec. 4465.4; Mont. S. L., 1939, ch. 129, sec. 8.

[125] Mont. S. L., 1931, ch. 100, sec. 1, Subd. 28; Mont. R. C., 1935, sec. 4465.27.

[126] Mont. S. L., 1931, ch. 100, sec. 1; Mont. R. C., 1935, sec. 4465.9; 76 Mont. 150, 156 et seq.

[127] Const., 1889, art. 11, sec. 5 as amend., 1919.

[128] Mont. S. L., 1913, ch. 76, sec. 2201; Mont. R. C., 1935, sec. 1324.

for deposits as the county commissioners may deem necessary.[129]

Claims

The board of county commissioners has power to examine and allow or reject claims against the county, except for payment of salaries of officers, and order warrants drawn on the county treasurer therefor.[130] When Beaverhead County had an auditor, all claims were to be examined and approved by him before payment could be authorized, except that the district judge could order payment of a disapproved claim and the commissioners might disapprove a claim approved by the auditor.[131]

Payment of Claims

The county clerk draws warrants authorized by the commissioners,[132] and the county treasurer must pay them from the funds drawn on, or if the funds are insufficient to pay the warrants, they must be registered and thereafter paid in the order registered.[133] The county must pay interest on such warrants at the rate of six percent.[134] The county commissioners may invest money from one fund in warrants issued on another fund in which there is insufficient money to make payments, and warrants so purchased shall be registered and bear interest as other registered warrants.[135] At their annual March session the county commissioners must examine all county warrants returned to the county clerk by the treasurer.[136]

Auditing of Accounts

In counties having an auditor, he is required to examine books of county and township officers within fifteen days preceding each

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[129] Mont. Pol. C., 1895, sec. 4367; Mont. Ex. S. L., 1933, ch. 23, sec. 1; Mont. R. C., 1935, sec. 4767.

[130] Mont. Ter. S. L., 1st sess., 1864-65, p. 501, sec. 14; Mont. S. L., 1931, ch. 100, sec. 1; Mont. R. C., 1935, sec. 4465.11.

[131] Mont. S. L., 1891, p. 229, sec. 7; Mont. R. C., 1935, sec. 4830; State ex. rel. Dolin v. Major 58 Mont. 140, 152; 192 Pac. 618.

[132] Mont. Ter. S. L., 7th sess., 1872, p. 567, sec. 8; Mont. S. L., 1923, ch. 79, sec. 1; Mont. R. C., 1935, sec. 4811.

[133] Mont. Ter. S. L., 1st sess., 1864-65, pp. 517-518, secs. 6-11; Mont. Pol. C., 1895, sec. 4290; Mont. R. C., 1935, sec. 4612.

[134] Mont. Ter. S. L., 1st sess., 1864-65, p. 447, sec. 1; Mont. S. L., 1899, p. 99, sec. 2; Mont. R. C., 1935, sec. 4753.

[135] Mont. S. L., 1927, ch. 144, sec. 1; Mont. R. C., 1935, sec. 4639.1.

[136] Mont. Ter. S. L., 1st sess., 1864-65, p. 504, sec. 28; Mont. Pol. C., 1895, sec. 4291; Mont. R. C., 1935, sec. 4613.

regular session of the commissioners.[137] The State Examiner annually examines the books and accounts of all county and township officers having anything to do with collection or disbursement of public moneys and prescribes the general methods of accounting for such moneys.[138]

Bonds

County commissioners may issue bonds not in excess of two and a half percent of the assessed valuation except in emergency cases when necessary to make repairs of county property damaged or destroyed in some disaster or accident, to purchase land for and construct a county high school, or to refund bonds. In such cases the bond limit may be extended to the Constitutional limitation of five percent.[139] The commissioners may issue bonds for the purpose of acquiring land for public use, construction of public buildings, acquiring rights-of-way, liquidating indebtedness to another county when a new county is created, funding outstanding county warrants, refunding bonds, and paying a judgment against the county.[140] In all but the latter four cases, the question of the issue of bonds must be submitted to the voters at a special or general election.[141] During the last decade some of the counties have experienced difficulty chiefly through tax delinquencies, in paying their floating indebtedness. To enable such counties to meet their obligations, the legislature has passed temporary acts permitting the issuance of funding bonds in excess of the two and a half percent statutory limitation but not greater than the five percent Constitutional limitation.[142]

Elections

Election procedure is directed by the commissioners who appoint officials for primaries and final elections. The county clerk, as ex-officio registrar of elections, handles the mechanics of registration, publication of notices, printing of ballots, and

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[137] Mont. S. L., 1891, p. 230, sec. 9; Mont. R. C., 1935, sec. 4832.

[138] Mont. Pol. C., 1895, sec. 491; Mont. S. L., 1923, ch. 78, sec. 1; Mont. R. C., 1935, sec. 210.

[139] Const., 1889, art. 13, sec. 5; Mont. Ter. S. L., 1st sess., 1864-65, p. 501, secs. 14, 15; Mont. S. L., 1931, ch. 188, sec. 3; Ibid., 1937, ch. 135, sec. 2; Mont. R. C. S., 1939, sec. 4630.3.

[140] Mont. Ter. S. L., 1st sess., 1864-65, p. 501, secs. 14, 15; Mont. S. L., 1931, ch. 188, sec. 1; Ibid., 1937, ch. 135, sec. 1; Mont. R. C. S., 1939, sec. 4630.1.

[141] Mont. S. L., 1931, ch. 188, sec. 6; Ibid., 1937, ch. 135, sec. 4; Mont. R. C. S., 1939, sec. 4630.6.

[142] Mont. S. L., 1931, ch. 159, sec. 1; Ibid., 1933, ch. 51, sec. 1; Ibid., 1939, ch. 188, sec. 1.

other clerical work.[143] The commissioners as a canvassing board make an official count of votes and report the results of primary and general elections.[144]

Education

The policy of the public schools is controlled largely by the State Board of Education and by the State Superintendent of Public Instriction. Through the power to license teachers, prescribe courses of study, and make apportionments of school funds, their administrative direction is effective.[145] Under their supervision, the county superintendent occupies an important position in supervision. Each county is divided into school districts which are classified into three classes according to population.[146] School districts may appoint superintendents who manage their schools with little reference to the county office,[147] and this is always done in districts of the first class.

Beaverhead County has a county high school located in Dillon, with a board appointed by the county commissioners except the county superintendent who is ex-officio member of the board and its secretary.

While the law authorizes the establishment and maintenance of a county library,[148] this has not been done in Beaverhead County since a Carnegie Endowment Library has been established in the city of Dillon.

Health

Public health is the responsibility of the board of health composed of the commissioners and a physician appointed by them.[149] The physician is ex-officio executive secretary and performs most

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143. Mont. S. L., 1911, ch. 113, sec. 1; amend. 1915, ch. 122, sec. 1; Mont. R. C., 1935, secs. 553, 567, 568.
144. Mont. Pol. C., 1895, sec. 1430; Mont. R. C., 1935, sec. 790.
145. Mont. Pol. C., 1895, secs. 1516, 1714, 1733; Mont. R. C., 1935, secs. 836, 956.
146. Mont. S. L., 1913, ch. 76, sec. 401; Mont. R. C., 1935, sec. 1021.
147. Mont. S. L., 1931, ch. 148, sec. 39; Mont. R. C., 1935, sec. 1262.39.
148. Mont. S. L., 1915, ch. 45, sec. 1; Ibid., 1917, ch. 137, sec. 1; Mont. R. C., 1935, sec. 4563.
149. Mont. Compiled Stat., 1887, 5th Div., secs. 163-167; Mont. S. L., 1907, ch. 110, sec. 19; Mont. R. C., 1935, sec. 2473.

of the duties of the board. The county commissioners also employ a county nurse whose principal duties are to promote child health under the direction of the Child Welfare Division of the State Board of Health.[150] County health administration is under close supervision by the State Board of Health.

Public Welfare

Public welfare, particularly cases of the poor, during the Territorial period was handled entirely by the county commissioners, and during Statehood has been handled either in their capacity as commissioners or as ex-officio boards except for the administration of the mothers' pension law, which was administered by the district court from 1915 to 1933.

In 1933, during the depression, the burdens of relief became too great for the county to carry and were assumed largely by the State and Federal governments, but local administration remained in the hands of the commissioners. In 1937 the legislature turned a large part of this duty back to the counties, and the commissioners in Beaverhead became ex-officio a public welfare board.[151] County relief still remains under the supervision of the State Welfare Board, which sets standards for appointments and fixes principles of relief. Public welfare was separated from the general administrative system and has an organization devoted entirely to relief problems. The county physician and county welfare institutions such as the poor farm and county hospital are also in the public welfare group but are controlled independently of the board of public welfare.

Public Works

Public works, particularly the construction and maintenance of roads and bridges, was originally assigned to the board of county commissioners, and by law they still have general supervision of this county function.[152] The county surveyor makes surveys, draws plans, and estimates the cost of construction work. He reports to the commissioners who decide the policy. The commissioners formerly appointed road inspectors and road superintendents, but now the former duties of these employees are performed mostly by the commissioners themselves. In 1913 the State created the of the danger of the house. The county commissioners also employ a county nurse whose principal duties are to conduct child health work under the direction of the Child Welfare Division of the State Board of Health.[159] County health administration is under close supervision by the State Board of Health.

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[150] Mont. S. L., 1917, ch. 121, sec. 4; Mont R. C., 1935, sec. 2506.

[151] Mont. S. L., 1937, ch. 82, pp. 160-161, sec. IX; Mont. R. C. S.,

[152] Mont. Ter. S. L., 1st sess., 1864-65, p. 501; Mont. S. L., 1919, ch. 15, sec. 1; Ibid., 1931, ch. 100, sec. 1; Mont. R. C., 1935, sec. 4465.3.

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160. [illegible] 1911, ch. [illegible], sec. [illegible]
161. [illegible]
162. [illegible]

State Highway Commission.[153] This body, in cooperation with the Federal Bureau of Public Roads, has gradually taken over the construction and maintenance of so-called "arterial highways," leaving the commissioners the responsibility for only local roads.

In 1915 the commissioners were given authority to establish improvement districts in rural communities upon petition of the inhabitants,[154] but no such districts have been established in Beaverhead County. In 1919 they were empowered to assist in organizing county farm bureaus and to cooperate with them.[155] The airport board, appointed by them, must get its appropriations and authority for spending from the commissioners and report to them.[156] However, no county airport has been established in this county. In another aspect of public works the law provides for drainage commissioners[157] and irrigation commissioners appointed by the judge of the district court.[158]

Agricultural and Home Economics

For the promotion of economic good the commissioners have athority to establish a county fair[159] and to provide for a county agricultural extension agent and a home demonstration agent.[160] A county extension agent and home demonstration agent were appointed in 1934. The law directs that where the office of auditor exists he shall act as market master and inspector of weights and measures, and where there is no auditor the county clerk shall act as such.[161]

Record System

The State has prescribed no comprehensive system for the keeping of county archives. The laws direct, however, that each office

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[153] Mont. S. L., 1913, ch. 78, sec. 1-10; Mont. R. C., 1935, sec. 1783.

[154] Mont. S. L., 1915, ch. 123, sec. 1; Mont. R. C., 1935, sec. 4574.

[155] Mont. S. L., 1919, ch. 14; Mont. R. C., 1935, sec. 4542.

[156] Mont. S. L., 1929, ch. 108; Mont. R. C., 1935, sec. 5668.35.

[157] Mont. S. L., 1909, ch. 146, sec. 4; Ibid., 1919, ch. 116, sec. 2; Mont. R. C., 1935, sec. 7169.

[158] Mont. S. L., 1921, ch. 129, sec. 16; Mont. R. C., 1935, sec. 7280.

[159] Mont. S. L., 1903, ch. 67, sec. 1; Ibid., 1927, ch. 30, sec. 1; Mont. R. C., 1935, sec. 4545.

[160] Mont. S. L., 1913, ch. 109, sec. 1; Ibid., 1919, ch. 13, sec. 1; Mont. R. C., 1935, sec. 4487.

[161] Mont. S. L., 1917, ch. 28, sec. 3; Mont. R. C., 1935, sec. 4490.

must keep a record of its transactions and provides penalties for destroying, mutilating, or stealing public records.[162] The State Examiner has the right to examine any "Books, papers, accounts, and documents" in possession of any county officer and this implies the right to prescribe the general methods and details of accounting for all moneys belonging to the county.[163] The county commissioners also have authority to supervise the system of keeping records in all county offices,[164] and with the approval of the State Examiner to order the destruction of "old worthless papers."[165] Records of registration of electors prior to 1937 were destroyed in compliance with an act of the legislature. Old assessment lists prior to 1935 have also been destroyed. The law is explicit in regard to keeping permanent records of real estate and other business transactions by the recorder;[166] of court records by the clerk of court; and financial records.[167] "Under no circumstance shall any claim, warrant, voucher, bond, or treasurer's general receipt be destroyed."[168]

The law directs the keeping of many indexes, particularly in the offices of the recorder and clerk of the court. These are often registers as well, and as such summarize the principal provisions of the documents or records to which they refer. In offices with large bodies of records, extensive indexes have been made either self-contained or in separate volumes. These separate indexes often serve more than one set of records. Ordinarily they are listed in this inventory after the first entry which they serve.

The record system in Beaverhead County has been built up gradually. During the early years of the county's existence there was little formality in business and much carelessness in having business papers filed or recorded. Many kinds of instruments were recorded in a single volume, and many documents for the earlier years have been destroyed. Gradually officials came to keep separate books for special kinds of transactions. Records of ownership of property, either by the county or by individuals, were the first to receive separate title. The development of minute classifications has not been continuous. Sometimes entry titles are consolidated, and some are discontinued owing to changed social and economic conditions. Other types of records such as those relating to

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162. Mont. Penal. C., 1895, secs. 230, 231; Mont. R. C., 1935, sec. 10873-4.
163. Mont. Pol. C., 1895, sec. 491; Mont. R. C., 1935, sec. 210.
164. Mont. Pol. C., 1895, sec. 4219; Mont. R. C., 1935, sec. 4461.
165. Mont. S. L., 1935, ch. 92, sec. 2; Mont. R. C., 1935, sec. 455.2.
166. Mont. Pol. C., 1895, sec. 4411; Mont. R. C., 1935, secs. 4796, 4811.
167. Ibid., secs. 4811, 4815.
168. Ibid., sec. 455.4.

marriage tend to become more and more comprehensive. During the early Territorial period those solemnizing marriages were required to file with the recorder a certificate reciting the fact of marriage.[169] In 1887 the law required that those seeking to be married should obtain a license from the county clerk, who was also to keep a record of marriage licenses.[170] Later that year the duties relating to marriage licenses were transferred to the judge of the probate court.[171] When Montana became a state the clerk of court succeeded to the responsibilities relating to marriage records,[172] except that the recorder must also keep a Register of Marriages.[173] In Beaverhead County, however, only the clerk of court has kept marriage records after 1887.

The records of Beaverhead County are kept in bound volumes, loose-leaf volumes, files, and bundles. The bundles are older documents removed from the files and stored in the basement vault where they are neatly wrapped, labeled, and placed in order on shelves.

The evolution of the record system may be traced from the first books used. These were not designed for county records but consisted of ledgers, account books, and hotel registers, often containing mercantile accounts and hotel registrations along with the county records. Later, especially designed forms were purchased, usually ornate printed forms to be filled in by pen. These are being replaced by the modern loose-leaf book entirely typewritten.

The earlier file boxes are cardboard requiring folded documents. These were replaced by steel files of the same size which in turn are rapidly being replaced by the modern flat steel filing cabinet.

The record forms, purchased by contract from a printer, are now uniform in character and arranged in a thoroughly systematic manner. This is due, in part, to legislative specifications and occasional suggestions by the State Examiner, but largely to the efficiency of the various county officials. More space is needed for proper shelving and storage of records.

Among the most notable of the improvements in the record system is the development of efficient methods of arranging and indexing records. Most of the files are arranged either

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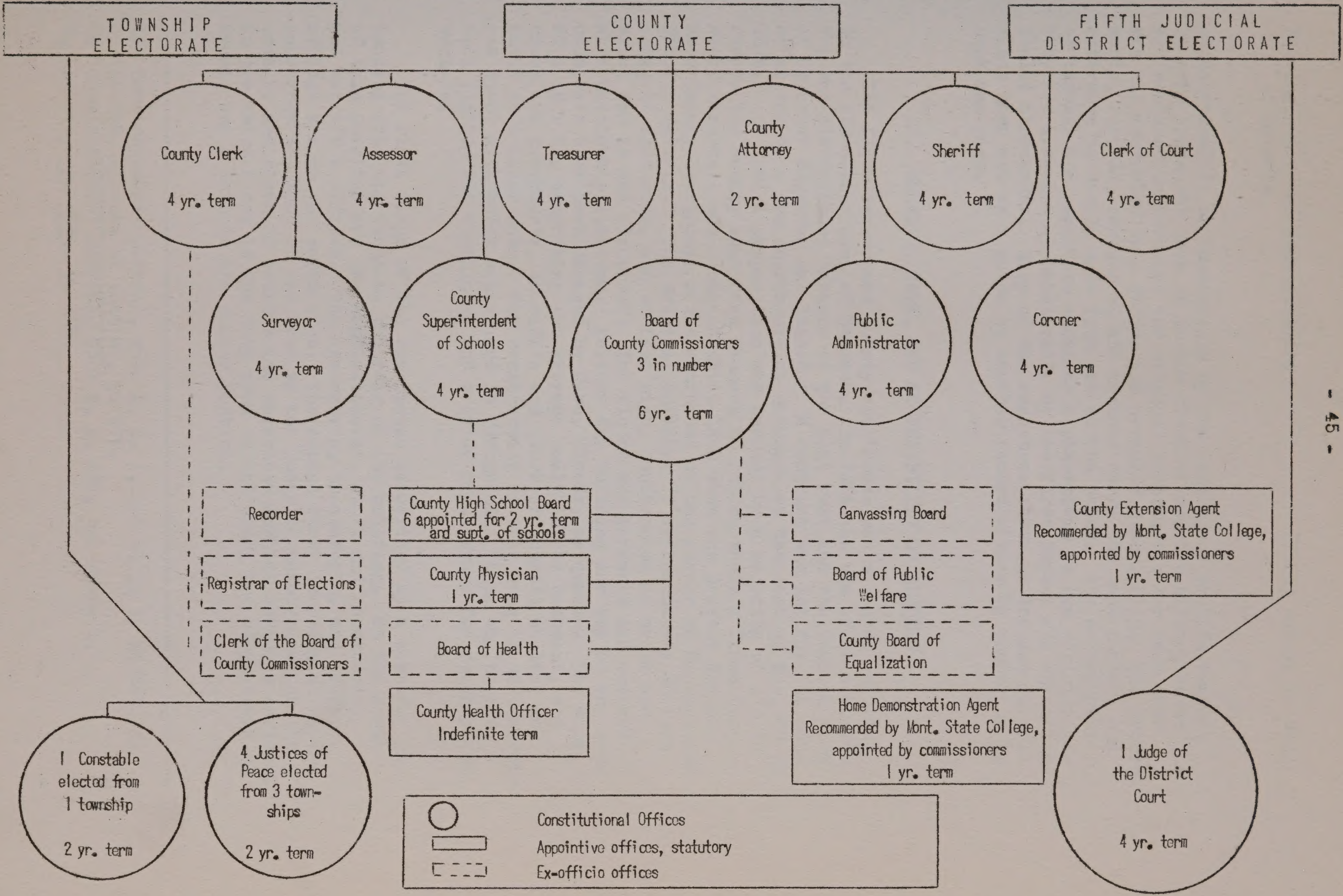
169. Mont. Ter. S. L., 1st sess., 1864-65, p. 409.
170. Mont. Compiled Stat., 1887, p. 1040, 1041, secs. 1414, 1417.
171. Mont. Ter. Ex. S. L., 15th sess., 1887, p. 60.
172. Const. 1889, art. 20, sec. 1; Mont. Civil C., 1895, p. 476, secs. 74-77.
173. Ibid., p. 245, sec. 2875.

CHART OF GOVERNMENT OF BEAVERHEAD COUNTY - 1939


TOWNSHIP ELECTORATE
COUNTY ELECTORATE
FIFTH JUDICIAL DISTRICT ELECTORATE
County Clerk 4 yr. term
Assessor 4 yr. term
Treasurer 4 yr. term
County Attorney 2 yr. term
Sheriff 4 yr. term
Clerk of Court 4 yr. term
Surveyor 4 yr. term
County Superintendent of Schools 4 yr. term
Board of County Commissioners 3 in number 6 yr. term
Public Administrator 4 yr. term
Coroner 4 yr. term
Recorder
Registrar of Elections
Clerk of the Board of County Commissioners
County High School Board 6 appointed for 2 yr. term and supt. of schools
County Physician 1 yr. term
Board of Health
County Health Officer Indefinite term
Canvassing Board
Board of Public Welfare
County Board of Equalization
County Extension Agent Recommended by Mont. State College, appointed by commissioners 1 yr. term
Home Demonstration Agent Recommended by Mont. State College, appointed by commissioners 1 yr. term
1 Constable elected from 1 township 2 yr. term
4 Justices of Peace elected from 3 townships 2 yr. term
1 Judge of the District Court 4 yr. term
Constitutional Offices
Appointive offices, statutory
Ex-officio offices

alphabetically, or numerically by the instrument or file number. In some instances such as in the clerk of court's office, cases are assigned numbers and the original instruments for each case are all assembled in a folder and arranged numerically. The instruments, records, registers, and indexes carry the case number, and reference is easily made from one to the other. The arrangement of indexes and registers shown as alphabetical is not strictly so. They are arranged alphabetically by the first letter and chronologically thereunder. Many of the registers serve as indexes as well since they act as a guide to another record either by number or by book and page.

3. HOUSING, CARE, AND ACCESSIBILITY OF RECORDS

The first Beaverhead County courthouse was a rented building in the old mining town of Bannack. In 1865 the use of this building was discontinued because of the high rent and the council room of Governor Edgerton was leased.[1] A contract was let for the construction of a new courthouse at Bannack at the cost of $14,000 in 1876.[2] In 1881 a proposition was carried by a majority of 170 to remove the county seat from Bannack to Dillon where a frame two-story structure was occupied until 1889 when the present Beaverhead County courthouse was constructed on the corner of Bannack and Pacific Streets.[3] The original building is approximately 80 feet long, 60 feet wide, and 40 feet high, constructed of brick and wood, and is not fireproof. The floors are hardwood and covered with battleship linoleum. Neither the building nor any of the records have ever been damaged by fire, floods, or quakes. The wing, 33 x 18 x 32, comprising the storage vault in the basement, the clerk and recorder's, sheriff's and clerk of court's vaults, was built at a later date. The construction of this wing is of concrete and steel with brick veneer and is fireproof. These vaults are well lighted and ventilated and provide ample space for records and workers.

The first floor of the courthouse is divided by a corridor extending from the front to the rear of the building. On the south of this corridor are the commissioners', clerk and recorder's, and sheriff's offices. The assessor's, treasurer's, and welfare offices are on the north side. The second floor is occupied by the courtroom adjoined on the west by the judge's chambers and on the east by the clerk of court's and superintendent of school's offices. On the third floor is the jury room in the rear, the clock tower in front, and a loft in the center portion.

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1. Commissioners' Journal, vol. A, p. 4, see entry 1; Michael A. Leeson, History of Montana, p. 470.
2. Commissioners' Journal, Book B, p. 237, see entry 1.
3. Leeson, op. cit., p. 470.

The offices not housed in the courthouse are of a semi-private nature and were not measured.

To the right of the main entrance is the commissioners' office. This is a well lighted room, 18 x 18 x 14, with ample space for board meetings. The commissioners' records are kept in the clerk and recorder's office, which adjoins with a connecting door.

The clerk and recorder's office consists of one large room, 28 x 21 x 14, and two vaults, one 16 x 17 x 10 and a smaller vault, 12 x 10 x 14. The office is divided by a counter and is crowded for desk room and working space. The small vault is badly overcrowded while the large one has ample space. The shelving and filing cabinets in the vaults are all of steel and provide space for four hundred and thirty-six feet of unbound material and three hundred and fifty-five feet of bound records. The accommodations, records, and equipment are, in general, good. Approximately 25 percent of the records are in the storage vault.

At the rear of the building and adjoining the courtroom is the clerk of court's office. This office has one room, 18 x 16 x 14, and a large vault, 28 x 18 x 14, affording excellent accommodations for records, workers, and the public. The records of this office are in excellent condition, kept in a thoroughly workman-like manner and are conveniently accessible at all times. There are 365 linear feet of steel shelving containing 450 linear feet of bound volumes and 19 linear feet of unbound records which constitute all the records of this office.

No office is provided for the public administrator, and he keeps his current records in his residence.

The justice of the peace has no office and keeps his records at his residence.

The constable has no office and keeps no records.

The sheriff's office is located next to the clerk and recorder in the rear of the building and has one room, 16 x 18 x 14, one vault, 17 x 18 x 14, and a smaller vault, 10 x 4 x 14. The larger vault serves as a private office, thus making ample room for the sheriff's force and his records. The records are contained on 201 linear feet of hardwood shelving with most of the records filed in cases along the walls. No records are kept in the storage vault. The lighting, ventilation, equipment, and conditions, in general, are good.

The coroner has no office and keeps his register in his room at the Andrus Hotel.

The county attorney maintains his office with his law firm in the Hazelbaker Building and keeps no records.

To the left of the front entrance and directly across the hall from the commissioners' room is the assessor's office, housed in one room, 18 x 18 x 14, and a small vault, 6 x 10 x 11. Both of these are so badly over-crowded that there is neither adequate working space nor storage room, with no chance for expansion. There are 280 linear feet of steel shelving with 12 linear feet of bound volumes and 13 linear feet of unbound records. At the present time there are no assessor's records in the storage vault. The records are well kept and accessible. Lighting and ventilation are good.

Next on the same side of the building is the treasurer's office comprising one large room, 28 x 21 x 16, and a small vault, 6 x 10 x 11. The vault is crowded, with no room for expansion. The office has recently been equipped with new fixtures and provides ample accommodation for records and workers. The records are well kept and accessible and are contained on 70 linear feet of steel shelving of which 12 linear feet are bound records. Lighting and ventilation are poor without much chance of improvement. About 70 percent of the records are kept in the storage vault.

The superintendent of school's office is located at the northwest corner of the building across the corridor from the clerk of court's office. The office, 18 x 16 x 14 in size, is well lighted and ventilated and not crowded. There are 45 linear feet of steel shelving containing 7 linear feet of bound volumes and 38 linear feet of unbound material. The records are kept in an orderly manner and are readily accessible. About 5 percent of the records are in the storage vault.

The records of the free county high school board are kept in the office of the county superintendent of schools.

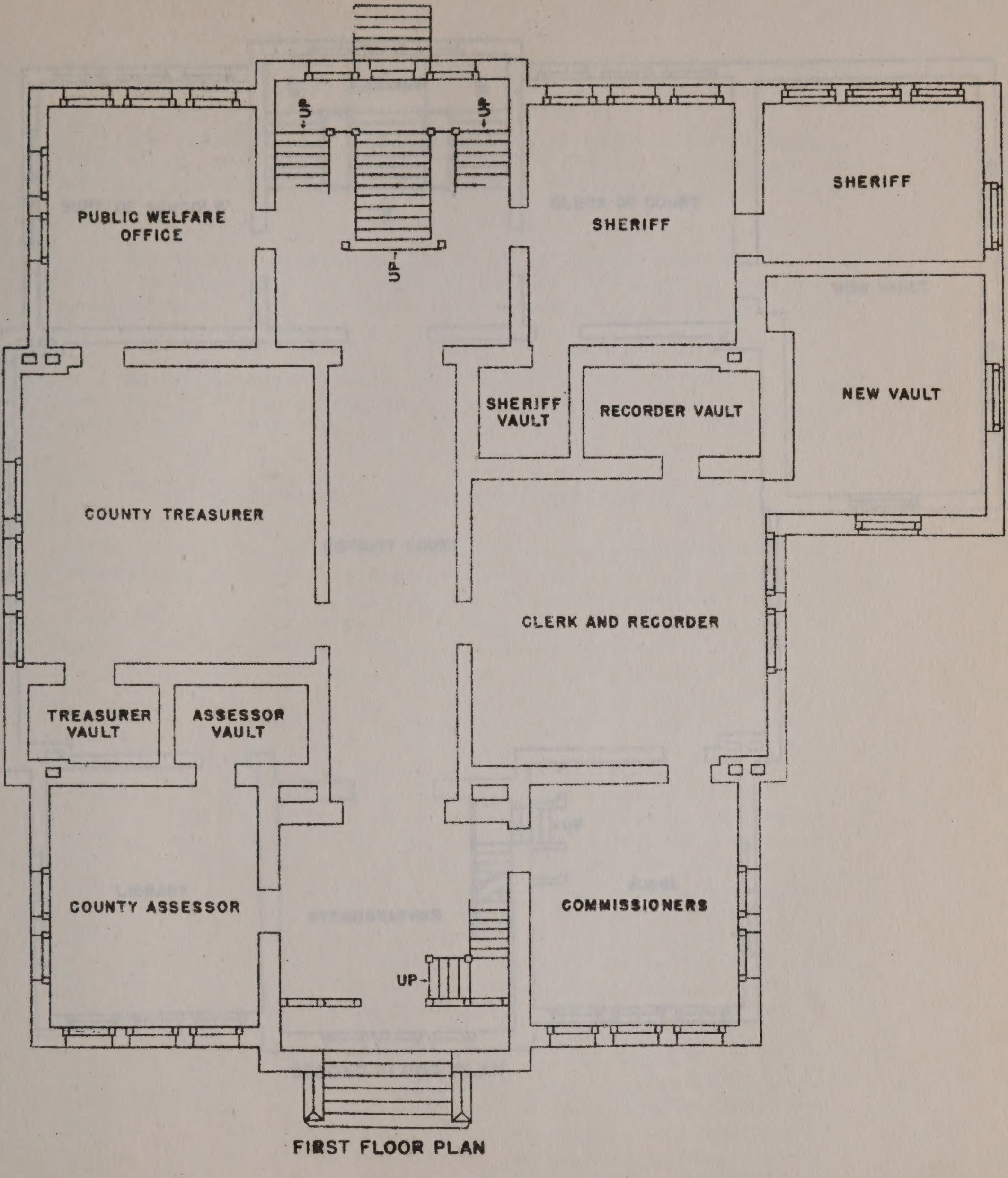
The county nurse keeps her records in the commissioners' room where she has a desk, chair, and filing case.

The county physician keeps no records in his official capacity and his office is private.

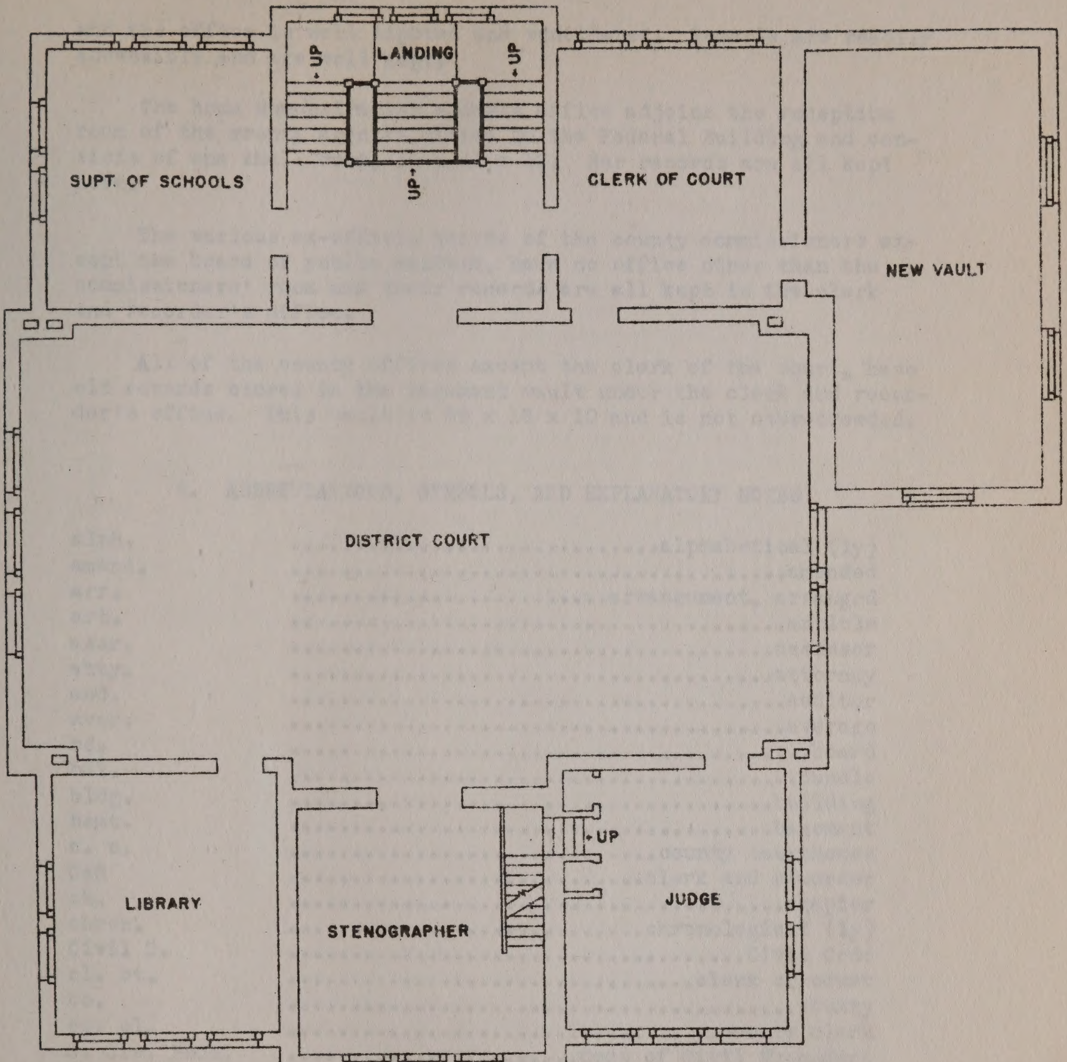
Directly across the hall from the sheriff's office is the public welfare office consisting of the one room, 16 x 18 x 14. It is poorly lighted, poorly equipped, and over-crowded. Ventilation is good. The relief records are kept here and the minutes of the board of public welfare are kept in the clerk and recorder's office.

The county surveyor has an office in connection with his residence in the Phillips Apartments. His records consist of maps which are adequately housed in large flat files.

The county agent has an office of two rooms, 10 x 12 x 12, and 12 x 14 x 2, on the second floor of the Federal Building. His records are kept in steel filing cabinets. The building is new


PUBLIC WELFARE OFFICE
UP
UP
UP
SHERIFF
SHERIFF
SHERIFF VAULT
RECORDER VAULT
NEW VAULT
COUNTY TREASURER
CLERK AND RECORDER
TREASURER VAULT
ASSESSOR VAULT
COUNTY ASSESSOR
COMMISSIONERS
UP

FIRST FLOOR PLAN


LANDING
UP
UP
UP
SUPT. OF SCHOOLS
CLERK OF COURT
NEW VAULT
DISTRICT COURT
UP
LIBRARY
STENOGRAPHER
JUDGE

SECOND FLOOR PLAN

and the office is well lighted and ventilated. Records are readily accessible and are well kept.

The home demonstration agent's office adjoins the reception room of the county agent's office in the Federal Building and consists of one small room, 10 x 12 x 12. Her records are all kept here.

The various ex-officio boards of the county commissioners except the board of public welfare, have no office other than the commissioners' room and their records are all kept in the clerk and recorder's office.

All of the county offices except the clerk of the court, have old records stored in the basement vault under the clerk and recorder's office. This vault is 28 x 18 x 10 and is not over-crowded.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	alphabetical (ly)
amend.	amended
arr.	arrangement, arranged
art.	article
assr.	assessor
atty.	attorney
aud.	auditor
aver.	average
bd.	board
bdl.	bundle
bldg.	building
bsmt.	basement
c. c.	county courthouse
C&R	clerk and recorder
ch.	chapter
chron.	chronological (ly)
Civil C.	Civil Code
cl. ct.	clerk of court
co.	county
co. cl.	county clerk
C. Civ. Proc.	Code of Civil Procedure
Cod. Stat.	Codified Statutes
com.	commissioner (s)
Compiled Stat.	Compiled Statutes
Const.	Constitution
ct.	court
dept.	department
div.	division
doc.	document
et al.	and others
et seq.	and following
ex rel.	in regard to

Abbreviations, Symbols, and Explanatory Notes

(First entry, p. 60)

Ex S. L.	Extraordinary Session Laws
Ex. Sess.	Extra Session
f.b.	file box
f.d.	file drawer
ff.	following pages
fm.	form
hd.	head
hdw.	handwritten
ibid.	in the same place
idem.	the same
incl.	inclusive
inst.	instrument
Mont.	Montana, Montana Reports
n.d.	no date
no.(s)	number (s)
num.	numerical (ly)
off.	office
op. cit.	work cited
p. (pp.)	page, pages
Pac.	Pacific Reporter
pt.	part
Pol. C.	Political Code
pr.	printed
pub. admin.	public administrator
rm.	room
R. C.	Revised Codes
R. C. S.	Revised Codes Supplement
sec.	section
sess.	session
shrf.	sheriff
S. L.	Session Laws
strm.	storeroom
supt.	superintendent
surv.	surveyor
ter.	territory
Ter. S. L.	Territorial Session Laws
twp.	township
treas.	treasurer
U. S.	United States
vlt.	vault
vol., vols.	volume (s)
v., vs.	versus (against)

Symbols

x	by (in dimensions)
--	to date

Explanatory Notes

Despite inaccuracies in the spelling and punctuation, titles of records are shown in the inventory exactly as on volumes and

file boxes. The current title is used as the title of the entry, and title variation is indicated.

Explanatory additions to inadequate titles and corrections of erroneous titles are enclosed in parentheses and have initial capitals.

In the absence of titles, supplied titles are capitalized and enclosed in parentheses.

In the title set-up, letters or numbers in parentheses indicate the exact labeling on volumes and file boxes or a notation indicates the nature of the labeling. Labeling is always given immediately following the quantity to which it applies.

Where no statement is made that a record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be obtained.

Title-line cross references are used to complete a series for records kept separately for a period of time, and in other records for different periods of time, as in entry 56. They are also used in all artificial entries - records which must be shown separately under their own proper office or section heading even though they are kept in files or records appearing elsewhere in the inventory, as in entry 262. In both instances, the description of the master entry shows the title and entry number of the record from which the cross reference is made. Dates shown in the description of the master entry are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Separate third-paragraph cross references from entry to entry, and "see also" references under subject headings are used to show prior, subsequent, or related records which are not part of the same series. See entry 3.

Cross references are made between indexes and the records they serve where the index is a separate volume or container. Most registers and indexes shown as arranged alphabetically are arranged alphabetically by initial letter of surname and chronologically thereunder.

Records may be assumed to be in good condition unless otherwise indicated.

Unless otherwise specified, all records are located in the county courthouse.

Average size of containers and volumes is given in inches.

The records described in this volume may be classified as follows:

Original document or original instrument as it was prepared and signed and deposited in the keeping of some officer designated by law, such as will, contract, receipt, or legal pleading.

Recorded document. A certified official copy of a document entered in a book.

Journal......An official contemporary memorandum, as proceedings of a court or minutes of county commissioners, usually in narrative form.

Copies may be found that are not recorded.

Duplicate....A carbon copy.

Register.....A book containing regular entries of important items or details; an official or formal enumeration, description, or record of particulars, as register of court actions showing names of plaintiff, defendant, a list of instruments filed, and dates; or a financial record such as a register of warrants. When the register refers to another volume or series it is also an index.

Index........A guide for facilitating reference to contents of files of volumes. It is usually alphabetically arranged and may be placed at end or beginning of volume, or be a separate volume which refers to contents in volumes by book and page numbers or to contents of files by case, file, or instrument number.

I. BOARD OF COUNTY COMMISSIONERS

Structure

The board of county commissioners, as executive head of the county, exercises all county powers. This authority was conferred by the first Territorial legislature and has been renewed in every revision of the laws relating to county government. "The powers of a county as a body corporate and politic shall be exercised by a board of county commissioners."[1] This board was to consist of three members, elected from the county at large for a term of three years.[2] The term was increased to six years in 1877 but reduced to four years again in 1881.[3] The Constitution provided for the office as it existed during the Territory[4] but by an amendment approved in 1902 the term was again increased to six years.[5] By a second amendment adopted in 1928 each county was divided into three districts with one commissioner to be elected by the county at large from each district.[6] To qualify for the office, the commissioner must be a legal voter in Beaverhead County and must file with the clerk of the court an acceptable bond for $2,000.[7] The salary of the commissioners in Beaverhead County fixed by the first Territorial legislature at $10.00 per day, is now set at $8.00 per day for every day of actual service.[8] Until 1915 the board met quarterly but since then have held monthly sessions limited to three days per month except for special sessions held only upon public notice.[9] A commissioner may be removed from office only by judicial proceedings in the district court. In case of a vacancy in the office of commissioner, the district judge appoints someone to fill the office until the next election.[10]

Powers and Duties

General Administration

The board of county commissioners is a body of "limited powers

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[1] Mont. Ter. S. L., 1st sess., 1864-65, p. 499, sec. 3; Mont. R. C., 1935, secs. 4442, 4465.24.
[2] Mont. Ter. S. L., 1st sess., 1864-65, p. 500, sec. 10.
[3] Ibid., 10th sess., 1877, p. 218, sec. 1; Ibid., 12th sess., 1881, p. 38, sec. 1.
[4] Const., 1889, art. 16, sec. 4.
[5] Idem. as amend. 1902.
[6] Idem. as amend. 1928.
[7] Mont. Ter. S. L., 7th sess., 1872, p. 568, sec. 1; Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, secs. 466, 4453.
[8] Mont. Ter. S. L., 1st sess., 1864-65, p. 501, sec. 13; Mont. Pol. C., 1895, sec. 4222; Mont. R. C., 1935, sec. 4464.
[9] Mont. Ter. S. L., 1st sess., 1864-65, p. 501, sec. 11; Mont. S. L., 1915, ch. 148, sec. 1; Mont. Pol. C., 1895, secs. 4220, 4221; Mont. R. C., 1935, secs. 4462, 4463.
[10] Const., 1889, art. 16, sec. 4.

and must in every instance justify its action by references to the provisions of law defining and limiting these powers."[11] From the establishment of the Territory they have had the power to divide the county into townships, road and other districts, and into election precincts.[12] In 1872 the power to establish school districts which had formerly belonged to the county superintendents of schools was assigned to them, although they were to act on recommendations submitted by the superintendents.[13] They have had since 1865, the responsibility of supervising all other officers of the county and its subdivisions, of examining their bonds, and of requiring them to perform their duties.[14] To facilitate this, county officials are required to make monthly, quarterly, or annual reports to the board.[15] The annual report of the county clerk is a statement of county business. The commissioners may combine two or more offices established by law,[16] and they may create offices within the limits set by law. They appoint all county officials whose selection is not otherwise provided for, and they determine salaries and bonds of these officials. By this appointive power and through their control over finance, the commissioners control such boards as the airport board,[17] the fair board,[18] and the county high school board.[19] The commissioners also exercise large control over the county clerk who acts as secretary of the board.[20] The county agricultural agent and the home demonstration agent are appointed by agreements between the county commissioners, the county farm bureau, and the Extension Department of the Montana State College.[21] The commissioners act also as a canvassing board to make a final canvass of elections and to declare who is elected.[22]

Financial

The commissioners, as financial head of the county, since the creation of the Territory have had the power to levy taxes, borrow money, advertise for bids, make contracts for all county business,

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11. State ex rel. Lambert vs. Coad. 23 *Mont.* 131, 137; 57 *Pac.* 1092; *Mont. Pol. C.*, 1935, sec. 4465.
12. *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 501; 8th sess., 1879, secs. 5, 7, 27, 43, 47; *Mont. R. C.*, 1935, sec. 4465.1.
13. *Mont. Ter. S. L.*, 7th sess., 1871-72, p. 623, sec. 17; *Mont. R. C.*, 1935, sec. 968.
14. *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 501; *Mont. R. C.*, 1935, sec. 4465.
15. *Mont. Pol. C.*, 1895, sec. 4230; *Mont. R. C.*, 1935, sec. 4465.
16. *Const.*, 1889, art. 16, sec. 5 as amend. 1934.
17. *Mont. S. L.*, 1929, ch. 108; *Mont. R. C.*, 1935, sec. 5668.37.
18. *Ibid.*, 1903, ch. 67; *Mont. R. C.*, 1935, sec. 4545.
19. *Ibid.*, 1896, pp. 59-64; *Mont. R. C.*, 1935, sec. 1262.3.
20. *Mont. Pol. C.*, 1895, sec. 1424; *Mont. R. C.*, 1935, sec. 4811.
21. *Mont. S. L.*, 1919, ch. 13, sec. 1; *Mont. R. C.*, 1935, sec. 4487.
22. *Mont. S. L.*, 1891, p. 299; *Mont. R. C.*, 1935, sec. 4516.

and to issue orders in payments of claims against the county. They have always had charge of county property and represented the county in all law suits.[23] The financial duties of the commissioners were increased in 1872 when the legislature directed them to audit the accounts of the treasurer and other county officials.[24] In 1867 the commissioners were made ex-officio the board of equalization to equalize assessments.[25] This was incorporated in the Constitution of 1889,[26] and reenacted as law in 1891.[27] A county budget system, established in 1921, provided that the commissioners should make annual budgets and adhere to them unless emergencies should arise.[28]

Health

In 1883 the legislature imposed upon the commissioners the duties of a board of health, but with an additional member who should be a physician and secretary.[29] The commissioners perform few, if any, duties as members of this board and leave the responsibility largely to the secretary.

Public Welfare

Social welfare was made a part of the duties of the commissioners in 1872 when they were given "entire and exclusive superintendence of the poor."[30] During the Territorial period they apparently limited their activities to granting direct relief. In 1923, the commissioners were designated ex-officio the old age pension commission,[31] and in 1933 were given jurisdiction over mothers' pensions,[32] which before this time were administered by the district court.[33] Administration of mothers' pensions, old age pensions, and all other relief functions were consolidated under the county welfare board, created in 1937 and composed ex-officio of the board of commissioners.[34] As commissioners they still maintain supervision

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[23] Mont. Ter. S. L., 1st sess., 1864-65, pp. 501, 502; Mont. R. C., 1935, secs. 4465.12, 4465.25, 4605.1, 4608.
[24] Mont. Ter. S. L., 7th sess., 1871-72, ch. 21, sec. 93; ch. 27, sec. 1; ch. 66, secs. 1, 8.
[25] Mont. Ter. S. L., 4th sess., 1867, p. 46, sec. 28.
[26] Const., 1889, art. 12, sec. 15.
[27] Mont. S. L., 1891, pp. 96-99, secs. 60-70.
[28] Ibid., 1921, ch. 209; Ibid., 1929, ch. 148, secs. 5, 6; Mont. R. C., 1935, secs. 4613.5, 4613.6.
[29] Mont. Ter. S. L., 13th sess., 1883, p. 46; Mont. R. C., 1935, sec. 2473.
[30] Mont. Ter. S. L., 7th sess., 1872, p. 535.
[31] Mont. S. L., 1923, ch. 72, sec. 2.
[32] Ibid., 1933, ch. 133.
[33] Ibid., 1915, ch. 86.
[34] Ibid., 1937, ch. 82. See Board of Public Welfare essay, p. 160.

over all welfare activities of an institutional nature.

Public Works

Since the formation of the Territory, the commissioners have had charge of public works such as roads, bridges, and buildings. Under this law they built the courthouse, constructed early highways and passed regulations for using them. With the increased use of automobiles many roads became of more than local importance and were regarded as of state and even national interest. In 1913, the State Highway Commission was assigned the responsibility for construction and maintenance of the more important highways and the responsibility of the commissioners in road building decreased.[35]

Miscellaneous

In addition to powers already described the county commissioners may appropriate money for protection of forests;[36] establish public scales and appoint a public weigher;[37] grant right to construct water and gas mains;[38] establish and maintain a public ferry;[39] offer rewards for apprehension of criminals;[40] erect market houses and establish markets;[41] appoint, upon petition from ten resident land-owners, a person whose duty it shall be to poison gophers on land where the owner neglects or refuses to and charge the cost against the owner on the tax roll;[42] appoint, upon petition of fifty freeholders of the county, a weed commission to oversee destruction of certain obnoxious weeds along roads where the owner of adjoining land refuses to do so, and charge the costs to him;[43] lease and operate county fair grounds;[44] acquire and conduct cemeteries outside of city limits;[45] provide for burial of veterans;[46]

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35. Mont. S. L., 1913, ch. 78, secs. 1-10; Mont. R. C., 1935, secs. 1783-90.
36. Mont. S. L., 1909, ch. 147, sec. 105; Mont. R. C., 1935, sec. 4470.
37. Mont. S. L., 1905, ch. 22, secs. 1-3; Mont. R. C., 1935, secs. 4471-73.
38. Mont. S. L., 1927, ch. 75, sec. 1; Mont. R. C., 1935, sec. 4476.1.
39. Mont. S. L., 1909, ch. 33, sec. 1; Mont. R. C., 1935, sec. 4477.
40. Mont. S. L., 1909, ch. 61, sec. 1; Mont. R. C., 1935, sec. 4483.
41. Mont. S. L., 1917, ch. 28, sec. 1; Mont. R. C., 1935, sec. 4488.
42. Mont. S. L., 1919, ch. 153, secs. 1-4; Mont. R. C., 1935, secs. 4495, 4496.
43. Mont. S. L., 1921, ch. 168, secs. 1-7; Mont. R. C., 1935, sec. 4508.
44. Mont. Ex. S. L., 1933, ch. 11, secs. 1, 2; Mont. R. C., 1935, sec. 4513.3.
45. Mont. S. L., 1919, ch. 39, sec. 1; Mont. R. C., 1935, sec. 4514.
46. Mont. S. L., 1903, ch. 39, sec. 1; Ibid., 1931, ch. 181, sec. 1; Mont. R. C., 1935, sec. 4536.

cooperate with county farm bureaus;[47] and appoint a county fair commission.[48] In 1929 the board was granted authority to license dance halls.[49] In 1905 it was assigned the duty of deciding upon applications for liquor licenses.[50] This ended with state prohibition in 1917, but was renewed in 1937.[51] In 1933 when sale of beer became legal, retailors were required to obtain approval from the board of commissioners before a license could be issued by the State Board of Equalization.[52] In the special session of the same year the part of the law giving the commissioner power to approve or disapprove applications was repealed.[53]

Records

The use of these and other grants of specific authority may be traced through the records of the office. The first Territorial legislature made it the duty of the clerk of the board to keep a record of proceedings, resolutions, and decisions, to file claims, and keep a register of orders issued.[54] A law passed in 1895 and still in force stated that the commissioners must see that there be kept a "Minute Book," "Road Book," "Franchise Book," and a "Warrant Book."[55] Records must also be kept for all other activities of their office. The commissioners in Beaverhead County have kept franchises granted to corporations in files rather than keeping a record of them in a Franchise Book. Road records are kept in the Commissioners' Journal, entry 1.

The secretary or clerk of the board, who has always been elected county clerk and recorder, is the custodian of all "seals, records, and papers."[56] He keeps all records of the board and is instructed to make full entries of all resolutions and decisions on questions concerning the raising of money and the allowance of accounts against the county.[57] He collects budget estimates and prepares them for the use of the board. He signs all warrants and

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[47] Mont. S. L., 1919, ch. 14, sec. 1; Mont. R. C., 1935, sec. 4542.

[48] Mont. S. L., 1903, ch. 67, sec. 1; Ibid., 1935, ch. 52, sec. 1; Mont. R. C., 1935, sec. 4545.

[49] Mont. S. L., 1929, ch. 131, sec. 5; Mont. R. C., 1935, sec. 2815.5.

[50] Mont. S. L., 1905, ch. 71.

[51] Ibid., 1917, ch. 143; Ibid., 1937, ch. 84, sec. 28.

[52] Ibid., 1933, ch. 106, secs. 28, 43; Mont. R. C., 1935, sec. 2815.30.

[53] Mont. Ex. S. L., 1933, ch. 46, sec. 9; Mont. R. C., 1935, sec. 2815.30.

[54] Mont. Ter. S. L., 1st sess., 1864-65, p. 505, secs. 32, 33.

[55] Mont. Pol. C., 1895, sec. 4219; Mont. R. C., 1935, sec. 4461.

[56] Mont. Ter. S. L., 1st sess., 1864-65, p. 507; Const., 1889, art. 16, sec. 5; Mont. R. C., 1935, sec. 4460.

[57] Mont. Ter. S. L., 1864-65, p. 505; Mont. R. C., 1935, sec. 4460.

orders of the board, and in general acts as its executive secretary. In Beaverhead County he keeps separate sets of records for many kinds of transactions as shown in the following entries.

Minute Books

1. COMMISSIONERS' JOURNAL, 1864, 1870--. 11 vols. (A-K).
Minutes of business transacted showing resolutions and actions on appointments, budgets, petitions, bids, expenditures, public welfare, old age and mothers' pensions, soldiers' burials, franchises, and general administrative acts; date, names of members present, and signature of clerk and chairman of board. Also contains: Road Book, 1864, 1870-94, entry 23; (Minutes of Board of Equalization), 1871--, entry 198; (Minutes of Canvassing Board), 1891--, entry 230; (Minutes of Old Age Pension Commission), 1923-37, entry 262; (Minutes of Board of Public Welfare), 1937--, entry 263. Arr. chron. by date of session. No index 1864, 1870-81; for index 1882--, see entry 2. Early vols. hdw., later ones typed. Aver. 600 pp. 16 x 12 x 2. C&R vlt.

2. COMMISSIONERS' INDEX, 1882--. 1 vol. (1).
Index to Commissioners' Journal, entry 1, showing subject matter and book and page where recorded. Arr. alph. by subject matter. Hdw. 300 pp. 16 x 12 x 2. C&R vlt.

Appointments and Bonds

3. OFFICIAL BONDS AND APPOINTMENT OF DEPUTIES, 1931--. 3 f.b. Prior records destroyed.
Original letters of appointment of special deputies showing date of appointment, title, and tenure of offices; original official bonds and oaths of office of county officers showing amount of bond and names of principal and sureties. Arr. alph. by name of office. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

For records of official bonds 1896--, see entries 106, 107.

Reports and Petitions

4. REPORTS (County Clerk), 1864--. 3 f.b.
Annual financial reports of county clerk to commissioners showing credit, debit, and balance for the separate funds, and resources and liabilities of the county. Arr. chron. by year. No index. Hdw. and typed on pr. fm. 10 x 4 x 13. C&R vlt.

5. DISTRICT COURT REPORTS, 1897--. 2 f.b.
Annual reports by clerk of court to commissioners showing date, itemized list of fees collected, disbursements, and purpose for

which disbursed. Arr. chron. by date of report. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

6. TREASURER'S REPORT, 1924--. 2 f.b.
Monthly and quarterly financial reports to the commissioners showing receipts, disbursements, and balance for each fund. Arr. chron. by date of report. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

7. COUNTY SUPERINTENDENT OF SCHOOL'S REPORT, 1900--. 2 f.b.
Annual financial reports to commissioners showing dates of receipts and disbursements, and balance of school funds in each district. Arr. chron. by year. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

8. HIGH SCHOOL REPORT, 1903--. 1 f.b.
Annual reports by high school board to commissioners showing receipts and source, disbursements and purpose, and date. Arr. chron. by year. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

9. FAIR ASSOCIATION REPORTS, 1911--. 1 f.b.
Reports made by the fair board to the commissioners for years when fairs were held showing date, receipts, and expenditures classified by source and purpose. Arr. chron. by year. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

10. POOR FARM REPORTS, 1910--. 1 f.b.
Monthly reports from supervisor appointed by the commissioners to manage the poor farm showing date, number of inmates received, discharged, and deceased; expenditures; and produce sold. Arr. chron. by year. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

11. PETITIONS, 1865--. 4 f.b.
Petitions for roads, bridges, irrigation districts, election precincts, and for discontinuing old roads showing date and petitioner's signature. Arr. alph. by subject matter. No index. Hdw. and typed. 10 x 4 x 13. C&R vlt.

Financial Records

Budgets

12. APPLICATION FOR BUDGET, 1921--. 1 vol.
Register of applications to commissioners by all county officials and agencies for allowance of budget for ensuing fiscal year, itemized as to purpose and fund. Arr. chron. by fiscal year, and alph. by office thereunder. No index. Hdw. on pr. fm. 260 pp. 14 x 12 x 1. C&R vlt.

Bids

13. BIDS, 1931--. 1 f.b.
Original bids submitted to commissioners for printing, supplies, care of poor, county physician, and for construction of roads, bridges, and buildings showing date, specifications, and amount of bid. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 4 x 13. C&R vlt.

Contracts

14. CONTRACTS, 1931--. 1 f.b.
Contracts let for printing, supplies, county physician, and for construction of roads, bridges, and buildings showing type of work to be done, terms of contract, names of parties, and dates. Arr. chron. by date filed. No index. Hdw. 10 x 4 x 13. C&R vlt.

Claims

15. CLAIMS, 1864--. 101 f.b. (dated).
Showing date, amount, and itemized statement of services or goods supplied by claimant, and claim number. Arr. num. by claim no. No index. Hdw. and typed on pr. fm. 10 x 4 x 13. 55 f.b., 1864-1901, bsmt. vlt.; 46 f.b., 1902--, C&R vlt.
For records of sheriff's claims, see entry 190.

16. BOUNTY CLAIMS, 1895--. 1 f.b.
Claims for bounty allowed for destruction of predatory animals showing name of claimant, type of animal killed, bounty claimed, claim number, and dates. Arr. num. by claim no. No index. Hdw. and typed on pr. fm. 10 x 4 x 13. C&R vlt.

Warrants (See also entries 37, 211)

17. WARRANTS, 1864--. 91 f.b. (labeled by incl. warrant nos.).
Paid warrants drawn on various funds showing name of payee, date of warrant, purpose for which issued, and fund charged. Arr. alph. by fund and num. by warrant no. thereunder. No index. Hdw. and typed on pr. fm. 10 x 4 x 13. 49 f.b., 1864-1901, bsmt. vlt.; 42 f.b., 1902--, C&R vlt.
For duplicates, see entry 18.

18. WARRANTS, 1932--. 4 vols.
Duplicates of warrants issued, showing information as in entry 17. Arr. alph. by fund and num. by warrant no. thereunder. No index. Typed on pr. fm. Aver. 600 pp. 13 x 10 x 4. C&R vlt.
For originals, see entry 17.

19. COUNTY FAIR WARRANTS, 1892--. 1 f.b. (112).
Paid warrants for expenditures on county fairs showing names of payee, date, amount, purpose, and number of warrant. Arr. num. by warrant no. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

20. HIGH SCHOOL WARRANTS, 1900--. 2 f.b.
Paid warrants of county high school covering salaries, supplies, and maintenance showing names of payees, date, amount, purpose, and warrant number. Arr. num. by warrant no. No index. Typed on pr. fm. 10 x 4 x 13. 1 f.b., 1900-1935, bsmt. vlt.; 1 f.b., 1936--, C&R vlt.

Insurance

21. INSURANCE IN FORCE, 1936--. 1 f.b.
Original insurance policies covering county property showing description of property involved, duration and amount of policy, amount of premium, and name of insurance company. Arr. alph. by name of insurance company. No index. Typed on pr. fm. 10 x 4 x 13. Treas. vlt.

Welfare

22. POOR FUND REGISTER, 1880-1937. 1 vol.
Register of cash paid to relief applicants showing name of applicant, date of application, and amount allowed. Arr. chron. by date of application. Indexed alph. by name of applicant. Hdw. on pr. fm. 350 pp. 14 x 10 x 3. C&R vlt.

Roads

23. ROAD BOOK, 1895--. 1 vol. 1864, 1870-94 in Commissioners' Journal, entry 1.
Record of petitions for new roads, road viewers' reports, quit claim deeds, easements, and deeds for right-of-way showing date, location of road, and names of road viewers; names of petitioners; description of property deeded and name of grantor. Arr. chron. by date recorded. Indexed alph. by names of petitioners and grantors. Hdw. 150 pp. 16 x 12 x 2. C&R vlt.

Miscellaneous

24. FRANCHISES, 1889--. 2 f.b. (87, 88).
Franchises to public utility corporations to operate in county showing name of applicant, terms, and duration of franchises. Arr. alph. by name of corporation. No index. Typed. 10 x 4 x 13. C&R vlt.

25. TAX DEEDS, 1931--. 1 f.b.
Deeds made in favor of the county showing name of delinquent owner of property, tax deed number, date of deed, date filed, and description of property. Arr. chron. by date filed. No index. Typed on pr. fm. 10 x 5 x 13. Treas. vlt.

For other records of county tax deeds, see entry 220.

II. AUDITOR

Structure

The first legislature of Montana Territory directed that the county clerk should be ex-officio auditor, but at no time during the Territorial period was the office assigned any duties.[1] The Constitution of 1889 made no mention of this office, but stated that the legislature may provide for "the election or appointment of such other county officers as may be necessary."[2]

In 1891, the legislature directed that in all counties having an assessed valuation of not less than eight million dollars, a county auditor should be elected for a term of four years. The first auditor, however, was to be appointed by the governor to serve until the general election.[3]

Beaverhead County with a valuation of $9,542,504,[4] in 1914 established the office of auditor and elected R. W. Boone to take office in 1915.[5] In 1923 the law was amended to maintain the office in counties of the first, second, third, and fourth classes.[6] Beaverhead County has at no time been higher than the fifth class and so the office was discontinued in 1923.[7]

The Constitution requires that all office holders must be citizens of the United States and residents of the State for one year preceeding the accession to office.[8] The office of auditor was originally limited to males of not less than 21 years of age who had been residents of the county for not less than two years.[9] In 1913 women were made eligible to hold the office by a constitutional amendment.[10] The auditor may be removed from office only after conviction in court of neglect of duty or malfeasance in office.[11]

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1. Mont. Ter. S. L., 1st sess., 1864-65, p. 507.
2. Const., 1889, art. 16, sec. 6.
3. Mont. S. L., 1891, pp. 227, 228.
4. 20th Annual Report of the State Examiner of Montana, 1914, p. 231.
5. Beaverhead County Abstract of Election Returns for 1914, entry 231.
6. Mont. S. L., 1923, ch. 117, sec. 1; Mont. R. C., 1935, sec. 4824.
7. Beaverhead County Abstract of Election Returns for 1922, entry 231.
8. Const., 1889, art. 9, sec. 7.
9. Mont. S. L., 1891, p. 228, sec. 2.
10. Const., 1889, art. 9, sec. 2 as amend. 1914, sec. 11.
11. Mont. Penal C., 1895, secs. 1530, 1545; Mont. R. C., 1935, secs. 11687, 11688, 11702.

In 1891 the bond of the county auditor was fixed at $15,000 to be approved by the county commissioners.[12] In 1895 the law provided that bonds of county officers should vary according to the classification of counties. The official bond for the auditor was fixed only for the first three classes,[13] and Beaverhead was in the fifth class when it had an auditor. However, the section of the Codes fixing the bond at $15,000 has been retained to the present.[14]

The salary of the auditor was originally placed at $1,500 a year in all counties.[15] In 1895 a scale of salaries was adopted for the first three classes of counties, but fifth class counties were never provided for in the scale.[16]

Duties

The duties of the auditor, as set forth by the law of 1891, have continued with little change. He was required to audit and investigate all claims against the county, to examine the books of the other county and township officers, and to report his findings to the county commissioners.[17] He served as financial secretary of the board of county commissioners who could not pass any claim he disapproved. He performed part of the duties that regularly belonged to the clerk in counties having no auditor.

The auditor was early designated as ex-officio superintendent of the poor, in which capacity he investigated the need of applicants for relief and recommended to the county commissioners what he considered appropriate action.[18]

In 1911 the duties of inspector of weights and measures were assigned to the auditor,[19] and in 1917 he was designated as market master for counties of the first four classes.[20] There is no evidence in Beaverhead County that he ever performed any duties of these offices. When the office of auditor was discontinued in Beaverhead County his duties were again performed by the county commissioners and county clerk.

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[12] Mont. S. L., 1891, p. 228, sec. 3.
[13] Mont. Pol. C., 1895, sec. 4333.
[14] Mont. R. C., 1935, sec. 4826.
[15] Mont. S. L., 1891, p. 228, sec. 4.
[16] Mont. Pol. C., 1895, sec. 4594.
[17] Mont. S. L., 1891, p. 227 ff.; Mont. R. C., 1935, secs. 4830-32.
[18] Mont. S. L., 1891, pp. 229 ff.; Mont. R. C., 1935, sec. 4833.
[19] Mont. S. L., 1911, ch. 34; Mont. R. C., 1935, sec. 4236.
[20] Mont. S. L., 1917, ch. 28, sec. 3; Mont. R. C., 1935, sec. 4490.

Records

The law directs that the auditor must preserve all "documents, books, records, and other papers" entrusted to his care, and must perform all duties, clerical or otherwise, as he may be directed to perform by the county commissioners.[21] He must keep a record of claims against the county presented to him for approval.[22] All his records have been transferred to the office of the clerk and recorder.

III. COUNTY CLERK

Structure

The office of county clerk in what is now Montana was first established in 1860 by the Territorial legislature of Washington.[1] The first Territorial legislature of Idaho in 1863 continued the office unchanged.[2] When Montana Territory was organized in 1864 its first legislature reenacted the Idaho Law.[3] The Constitution of 1889 provided for the continuance of the office and left in force the laws describing its functions.[4]

Eligibility to hold the office of county clerk is based upon citizenship, residence in the county for one year, and an age of not less than twenty-one years.[5] The term of office for which the county clerk is elected was extended from two to four years by a Constitutional Amendment approved in 1938.[6] He may be removed from office only upon conviction in court of neglect of duty, corruption, or malfeasance in office.[7] In cases of appeal involving the removal of the county clerk, he shall be suspended until the case is finally decided.[8] Until 1885 the clerk's compensation consisted of fees.[9] In that year his salary was fixed at $1,800 in Beaverhead

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[21] Mont. S. L., 1891, pp. 229-231; Mont. R. C., 1935, secs. 4829, 4934.

[22] Mont. S. L., 1891, pp. 229, 230; Mont. R. C., 1935, sec. 4829.

[1] Washington Ter. S. L., 4th sess., 1860, p. 436.

[2] Idaho Ter. S. L., 1st sess., 1863-64 (Lewistown, 1864), pp. 674-676.

[3] Mont. Ter. S. L., 1st sess., 1864-65, pp. 506-509.

[4] Const., 1889, art. 16, sec. 5; art. 20, sec. 17.

[5] Const., 1889, art. 9, secs. 7, 11; Mont. Pol. C., 1895, secs. 960, 4310; Mont. R. C., 1935, secs. 410, 4723.

[6] Const., 1889, art. 16, sec. 5 as amend. 1938.

[7] Mont. Penal C., 1895, secs. 1531, 1545; Mont. R. C., 1935, sec. 11702.

[8] Mont. Penal C., 1895, sec. 1543; Mont. R. C., 1935, sec. 11700.

[9] Mont. Ter. S. L., 1864-65, 1st sess., p. 475.

County, in 1887 it was decreased to $800 plus fees collected, in 1891 it was increased to $2,200, and in 1895 it was reduced to $1,800 which is his present salary in counties of the seventh class.[10] His bond was fixed at $5,000 in 1865 and remains the same for the seventh class counties in 1940. Prior to 1895 approval of the bond had been by the treasurer but in that year the law directed that bonds be submitted to the district judge for approval and filed with the county treasurer.[11]

The office of county clerk was from its establishment combined with that of recorder. The law of 1865 provided that the county clerk should also be clerk of the board of commissioners and auditor.[12] The law assigned to him as clerk of the board of county commissioners the duty of handling elections,[13] and in 1911 he was made ex-officio registrar of elections.[14] He is also clerk of the canvassing board, clerk of the board of equalization, and clerk of the board of public welfare. In 1911 he became ex-officio inspector of weights and measures in counties below the fourth class,[15] and in 1917 for these same counties he was named market master,[16] but in Beaverhead County he performs no duties in either capacity.

Duties and Powers

From the early Territorial period, the clerk was assigned some functions as coordinator of county offices. In 1869 he was directed to check assessment lists and report them to the treasurer for collection.[17] In 1870 he was entrusted with the duty of compiling county statistics and of reporting the financial conditions of the county to the Territorial auditor in addition to which he must now report the amount of money due the state from monthly revenue collections.[18] In 1887 he was directed to prepare each year, for the county commissioners, a report showing a detailed description of

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[10] Mont. Ter. S. L., 14th sess., 1885, pp. 64-67, sec. 5; Mont. Compiled Stat., 1887, pp. 901, 902, secs. 949, 951; Mont. S. L., 1891, p. 237, sec. 3; Mont. Pol. C., 1895, sec. 4594; Mont. S. L., 1921, ch. 151, sec. 1; Mont. R. C., 1935, sec. 4867.

[11] Mont. Ter. S. L., 1864-65, 1st sess., p. 506; Mont. Pol. C., 1895, secs. 1053, 1089; Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, secs. 466, 471, 508.

[12] Mont. Ter. S. L., 1st sess., 1864-65, p. 507.

[13] Ibid., p. 377.

[14] Mont. S. L., 1911, p. 223.

[15] Ibid., 1911, p. 52, sec. 1; Ibid., 1917, ch. 19, sec. 1; Mont. R. C., 1935, sec. 4236.

[16] Mont. S. L., 1917, p. 31; Mont. R. C., 1935, sec. 4490.

[17] Mont. S. L., 1868-69, 5th sess., p. 46.

[18] Ibid., 1869-70, p. 84; Mont. Pol. C., 1895, secs. 3992, 4338; Mont. R. C., 1935, secs. 2257, 4747.

the financial condition of the county such as the resources and liabilities, receipts and disbursements, the operation of each fund or account, and showing the balance for each at the beginning and end of the year. This report was to show also the assessed valuation of real and personal property, the rate of taxation, totals of delinquent taxes, and such other items as might be required.[19] He was also directed in 1887 to report annually to the county superintendent of schools the taxable value of property in each school district which he is still required to do.[20]

In 1895 he was directed to keep "accounts current" with the treasurer who should furnish him with duplicate receipts by which the clerk prepares his statements of receipts of the county.[21]

The clerk performs all administrative and clerical duties that do not pertain to the county commissioners or to any other office. As secretary for the county he makes reports of its activities.

In 1921 the law provided that livestock owners might petition the commissioners to establish a bounty fund from which bounties might be paid for destruction of predatory animals. The applicant for bounty was required to make an affidavit before the county inspector and present it to the county clerk.[22] In 1925 a state bounty law was passed whereby the claimant must present skins to the sheriff who makes out a certificate for the claimant and files a duplicate with the clerk who makes out a separate certificate for the State Livestock Commission and the claimant.[23]

By a law enacted in 1879 butchers were required to keep a record of slaughtered cattle and file reports with the county clerk.[24] In 1927 the law provided that butchers and meat peddlers must have hides of slaughtered animals inspected and stamped before disposing of them. The sheriff or other inspector must make out certificates of inspection, and file with bills of sale attached, with the county clerk and the State Livestock Commission.[25]

The legal distinction between the duties and records of the clerk and the recorder is not always clear. The clerk files and

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19. Mont. Ter. Compiled Stat., 1887, 5th div., sec. 778; Mont. R. C., 1935, sec. 4814. Duties are shown as provided under the last amendment in 1927, ch. 106, sec. 1.
20. Mont. Ter. Compiled Stat., 1887, 5th div., sec. 1903; Mont. R. C., 1935, sec. 1215.
21. Mont. Pol. C., 1895, sec. 4424; Mont. R. C., 1935, sec. 4811.
22. Mont. S. L., 1921, ch. 180, secs. 1-3.
23. Ibid., 1925, ch. 109, secs. 3, 4.
24. Ibid., 1879, p. 643, sec. 189.
25. Ibid., 1927, ch. 121, secs. 2-4; Ibid., 1931, ch. 172, sec. 3; Mont. R. C., 1935, sec. 3298.18.

has custody of public papers in which the county has political interest, such as notarial commissions,[26] military records, and reports not belonging to the commissioners. He keeps a record of still others such as auctioneers' bonds.

Records

It is even more difficult to distinguish between the duties of the county clerk and those of the clerk of the board of county commissioners. Both perform clerical work for the county, but the latter handles the county business assigned to the commissioners while the former handles other county business. As county clerk he keeps registers of the treasurer's collections and disbursements, files tax receipts[27] and birth and death certificates,[28] makes monthly reports to the commissioners on budget balances,[29] and makes annual reports to the State Examiner and county board in which he summarizes county finances for the fiscal year.[30]

For reports, see entry 4.

Financial Records

Taxation

26. REGISTER OF TAXES PAID, 1865--. 5 vols.

Shows receipt number, distribution, total, and date paid. Arr. chron. by date posted. No index. Hdw. on pr. hd. Aver. 400 pp. 17 x 12 x 3. 3 vols., 1865-1920, bsmt. vlt.; 2 vols., 1920--, C&R vlt.

27. TAX RECEIPTS, 1931--. 33 f.b. (labeled by incl. receipt nos.). Prior records destroyed.

Duplicates showing name of taxpayer, amount of tax, distribution to funds, and whether delinquent or current. Arr. chron. by year, num. by receipt no. thereunder. No index. Typed on pr. fm. 10 x 5 x 15. C&R vlt.

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[26] Mont. Ter. S. L., 1885, sec. 2, p. 101; Mont. Pol. C., 1895, secs. 915, 920; Mont. R. C., 1935, secs. 392, 393, 396.

[27] Mont. Pol. C., 1895, sec. 4424; Mont. S. L., 1923, ch. 79, sec. 1; Mont. R. C., 1935, sec. 4811.

[28] Mont. Pol. C., 1895, sec. 2875; Mont. S. L., 1919, ch. 68, sec. 1; Mont. R. C., 1935, sec. 2523.

[29] Mont. S. L., 1929, ch. 148, sec. 7; Mont. R. C., 1935, sec. 4613.7.

[30] Mont. Ter. Compiled Stat., 1887, 5th div., sec. 778; Mont. S. L., 1927, ch. 106, sec. 1; Mont. R. C., 1935, sec. 4814.

28. DELINQUENT TAX REGISTER, 1865--. 4 vols.
Shows name of owner, description of property, date delinquent, penalty, interest, and total amount due. Arr. num. by range, twp. and sec. nos. No index. Hdw. on pr. hd. Aver. 300 pp. 17 x 11 x 2. 2 vols., 1865-1905, bsmt. vlt.; 2 vols., 1905--, C&R vlt.

For other delinquent tax records, see entries 202-204, 208.

Licenses and Miscellaneous (See also entries 221-223)

29. LICENSE STUBS AND TREASURER'S RECEIPTS, 1865--. 14 f.b. (29-42)
Stubs showing name of licensee, kind of business, date of license, and amount of fee. Original receipts issued by treasurer showing date, to whom issued, amount, and fund to which credited. Arr. chron. by date issued. No index. Hdw. on pr. fm. 10 x 5 x 15. C&R vlt.

30. AUTO LICENSE APPLICATIONS, 1934--. 1 f.b. (124).
Duplicate auto license applications from treasurer's office showing name of applicant, description of motor vehicle, and amount of fee. Arr. chron. by year and num. by application no. thereunder. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

Collections and Disbursements (See also entries 205-211)

31. JOURNAL, 1889--. 4 vols.
Daily balance of receipts and disbursements showing date of entries, fund, name of payee, and amount. Arr. chron. by date of entry. No index. Hdw. on pr. hd. Aver. 350 pp. 16 x 14 x 2. 2 vols., 1889-1912, bsmt. vlt.; 2 vols., 1912--, C&R vlt.

32. GENERAL LEDGER, 1889--. 4 vols.
A monthly ledger of credits giving fund, receipts, and total; debits giving fund, disbursements, and balance. Arr. chron. by month. No index. Hdw. on pr. hd. Aver. 300 pp. 16 x 14 x 2. 2 vols., 1889-1911, bsmt. vlt.; 2 vols., 1911--, C&R vlt.

33. CLERK'S REGISTER OF TREASURER'S RECEIPTS, 1865--. 6 vols.
Shows date payment received, name of taxpayer, number of receipt, amount, distribution to funds, and total. Arr. chron. by date entered. No index. Hdw. on pr. hd. Aver. 300 pp. 21 x 17 x 2. C&R vlt.

34. CLERK'S ANALYSIS OF RECEIPTS, 1889--. 4 vols.
Itemized register of all receipts and their distribution to funds. Arr. chron. by year. No index. Hdw. on pr. hd. Aver. 680 pp. 21 x 17 x 2½. 2 vols., 1889-1913, bsmt. vlt.; 2 vols., 1913--, C&R vlt.

35. CLERK'S REGISTER OF TREASURER'S DISBURSEMENTS, 1865--. 5 vols.
Shows warrant number and date, fund drawn on, name of payee, and

amount. Arr. chron. by date entered. No index. Hdw. on pr. hd. Aver. 300 pp. 21 x 17 x 2. C&R vlt.

36. CLERK'S ANALYSIS OF EXPENDITURES, 1889--. 4 vols.
A register showing dates, budget allowances, and itemized expenditures of all county offices and agencies. Arr. chron. by year. No index. Hdw. on pr. hd. Aver. 700 pp. 21 x 17 x 3. 2 vols., 1889-1914, bsmt. vlt.; 2 vols., 1914--, C&R vlt.

37. REGISTER OF WARRANTS, 1865--. 5 vols.
Register showing warrant number, name of payee, date, amount, and purpose of warrant; fund charged. Arr. chron. by date issued. No index. Hdw. on pr. hd. Aver. 450 pp. 24 x 14 x 2. 2 vols., 1865-98, bsmt. vlt.; 3 vols., 1899--, C&R vlt.

For original warrants, see entries 17-20; treasurer's register, entry 211.

Vital Statistics

Births

38. BIRTH CERTIFICATES, 1902--. 1 f.b.
Duplicate certificates showing parents names and occupations, child's given name, date of birth, birthplace, name of attending physician, county and city where born, sex, and status as to legitimacy. Arr. num. by certificate no. For index, see entry 39. Hdw. on pr. fm. 10 x 5 x 13. C&R vlt.

39. REGISTER OF BIRTHS, 1901--. 1 vol.
Names of child and parents; sex, date, place of birth, and certificate number. Serves as index by certificate number to Birth Certificates, entry 38. Arr. alph. by names of parents. No index. Hdw. on pr. hd. 250 pp. 13½ x 9 x 1. C&R vlt.

Deaths

40. DEATH CERTIFICATES, 1902--. 1 f.b.
Duplicate certificates giving name, occupation, place of birth, date of death, marital status, place of burial, names of parents, cause of death, name of attending physician, name of undertaker, and certificate number. Arr. num. by certificate no. For index, see entry 41. Hdw. on pr. fm. 10 x 5 x 13. C&R vlt.

41. REGISTER OF DEATHS, 1901--. 1 vol.
Shows name and sex of deceased; date, place, and cause of death; and certificate number. Serves as index by certificate number to Death Certificates, entry 40. Arr. alph. by names of deceased. No index. Hdw. on pr. hd. 250 pp. 13½ x 9 x 1. C&R vlt.

Marriages (See also entries 152, 153)

42. MARRIAGE CERTIFICATES, 1877-87. 2 vols. (A, B). Discontinued.
Recorded copies of marriage certificates showing names of persons married, by whom married, and date of marriage. Arr. chron. by date recorded. For index, see entries 43, 44. Hdw. and typed. Aver. 600 pp. 18 x 12 x 2½. C&R vlt.

43. INDEX TO MARRIAGE CERTIFICATES, MEN, 1877-87. 1 vol. Showing date received, names of groom and bride, date of marriage, certificate number, and book and page where recorded in Marriage Certificates, entry 42. Arr. alph. by name of male. Hdw. on pr. hd. 600 pp. 18 x 12 x 2½. C&R vlt.

44. INDEX TO MARRIAGE CERTIFICATES, WOMEN, 1877-87. 1 vol. Showing date received, names of bride and groom, date of marriage, certificate number, and book and page where recorded in Marriage Certificates, entry 42. Arr. alph. by name of female. Hdw. on pr. hd. 600 pp. 18 x 12 x 2½. C&R vlt.

IV. RECORDER

The duties of the recorder in what is now Montana were assigned ex officio to the county clerk when Missoula County was established in 1860.[1] The two offices have continued with the same connections during the Territorial period and since Montana became a state.[2] While the clerk is custodian of all records that pertain to the political activities and management of the county, the recorder is in charge of all files, records, and registers relating to the ownership and transfer of property and all other business transactions.[3] This is the theory of the law as to the distinction between the two offices since Montana became a state.[4]

The first Territorial legislature imposed upon the recorder the duty of making copies of or recording all "deeds, mortgages, maps, instruments, and writings authorized by law to be recorded."[5] More specifically he was required to keep a plat book of towns, villages or additions;[6] to record quartz locations, and to receive and keep as a part of his records "all mining district records of all lead,

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1. Washington Ter. S. L., 4th sess., 1860, p. 436.
2. Mont. Ter. S. L., 1st sess., 1864-65, p. 507, sec. 6; Const., 1889, art. 16, sec. 5; Mont. Civil C., 1895, sec. 4671; Mont. R. C., 1935, sec. 4813.1.
3. Mont. Ter. S. L., 1st sess., 1864-65, p. 507, sec. 6; Mont. Pol. C., 1895, sec. 4410; Mont. R. C., 1935, sec. 4795.
4. Mont. Civil C., 1895, sec. 4671; Mont. R. C., 1935, sec. 4813.1.
5. Mont. Ter. S. L., 1st sess., 1864-65, p. 507, sec. 6.
6. Ibid., p. 509, sec. 9; Mont. R. C., 1935, sec. 4803.

lode, ledge, ranch, water or mill claims;"[7] to record declarations of occupancy,[8] lists of separate property of married women,[9] conveyances and agreements to convey real property,[10] powers of attorney and revocations of such powers,[11] and marks and brands;[12] make marginal satisfactions of mortgages;[13] keep a record of chattel mortgages, "bills of sale, deeds of trust, and other conveyances of goods, chattels or personal property, as shall have the effect of a mortgage or lien upon such property;"[14] file mechanics' liens,[15] notices of actions,[16] and notices of lost property or estrays that have been found.[17]

In 1867 the law provided for the filing of certificates of sale of real property[18] and articles of incorporation and annual statements thereof.[19] In 1874 the recorder was required to keep an attachment book[20] and in 1885 to file copies and notices of attachment.[21] In the same year recording of water right declarations was required.[22] The first State legislature provided that notices of application for tax deed must be filed with the recorder.[23]

The law as codified in 1895 authorized the recording of the following.

1. Deeds, grants, transfers, contracts to sell or convey

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[7] *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 374, secs. 1, 2; *Mont. Pol. C.*, 1895, sec. 3612; *Mont. R. C.*, 1935, sec. 7366.

[8] *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 349, sec. 2.

[9] *Ibid.*, p. 369, sec. 1.

[10] *Ibid.*, p. 483, sec. 23.

[11] *Ibid.*, p. 484, secs. 26, 27.

[12] *Ibid.*, p. 401, sec. 2.

[13] *Ibid.*, p. 485, secs. 36, 37.

[14] *Ibid.*, pp. 339, 340, secs. 3, 7; *Mont. R. C.*, 1935, secs. 7594, 8276.

[15] *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 332, sec. 6; *Mont. R. C.*, 1935, sec, 8340.

[16] *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 48, sec. 27; *Mont. R. C.*, 1935, sec. 9109.

[17] *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 356, sec. 2.

[18] *Mont. Ter. S. L.*, 4th sess., 1867, p. 181, sec. 229; *Mont. C. Civ. Proc.*, 1895, sec. 1233; *Mont. R. C.*, 1935, sec. 9441.

[19] *Mont. Ter. S. L.*, 4th sess., 1867, p. 25, sec. 1; *Mont. Civil C.*, 1895, secs. 411, 451; *Mont. R. C.*, 1935, secs. 5908, 6003.

[20] *Mont. Ter. S. L.*, 8th sess., 1874, p. 58, sec. 21; *Mont. R. C.*, 1935, sec. 9293.

[21] *Mont. Ter. S. L.*, 14th sess., 1885, pp. 113, 114, sec. 1; *Mont. R. C.*, 1935, sec. 9262.

[22] *Mont. Ter. S. L.*, 14th sess., 1885, p. 133, sec. 13; *Mont. R. C.*, 1935, sec. 7106.

[23] *Mont. S. L.*, 1891, p. 114, sec. 128; *Mont. R. C.*, 1935, sec. 2209.

real estate and mortgages of real estate, release of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.

2. Certificates of births and deaths.

3. Wills devising real estate admitted to probate.

4. Transcripts of judgments which by law are made liens upon real estate.

5. Official bonds.

6. Instruments describing or relating to the separate property of married women, and sole trader judgments.

7. Orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded.

8. Notices of pre-emption claims.

9. Notice and declaration of water rights.

10. Assignments for benefit of creditors.

11. Affidavits of annual work done on mining claims.

12. Notices of mining locations and declaratory statement.

13. Estrays and lost property.

14. A book containing appraisement of state lands.

15. Such other writings as are required or permitted by law to be recorded.[24]

The recorder was also required to keep a record of declarations of homestead, which with certain exceptions are exempt from execution or forced sale,[25] and medical certificates.[26] Later dentists[27] and osteopathists'[28] certificates and chiropractors' licenses[29] were required to be recorded.

In 1899 the law provided for filing of conditional sales

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[24] Mont. Pol. C., 1895, sec. 4411; Mont. R. C., 1935, sec. 4796.

[25] Mont. Civil C., 1895, sec. 1702; Mont. R. C., 1935, sec. 6972.

[26] Mont. Pol. C., 1895, sec. 604; Mont. R. C., 1935, sec. 3120.

[27] Mont. S. L., 1935, ch. 48, sec. 6; Mont. R. C., 1935, sec. 3115.7.

[28] Mont. S. L., 1921, ch. 51; Mont. R. C., 1935, sec. 3131.

[29] Initiative Measure 1918; Mont. R. C., 1935, sec. 3148.

contracts for personal property,[30] and loggers' liens.[31] Later it authorized filing of seed,[32] threshermen's,[33] and farm laborers'[34] liens. A farmer or rancher may acquire exclusive right to a farm or ranch name by having it recorded with the county recorder.[35]

Birth and death certificates are filed and so are not regularly recorded; wills, transcripts of judgments, and orders and decrees are recorded by the clerk of the court but may also be found in the recorder's records when the title to real estate is involved; the book on estrays and lost property is not used.

The first Territorial legislature directed the recorder to keep a fee and reception book for instruments filed and recorded and the fees collected. This provision has continued to the present time.[36]

In the first law on recording of documents was a provision that the recorder must keep a general index "direct and inverted" of all records concerning real estate.[37] He was also to keep an index to the plat book of towns and additions.[38] In 1895 a more elaborate indexing system was outlined. This provided for direct and inverse indexes to deeds, grants, transfers, and contracts to convey real estate, mortgages and releases of mortgages, leases, marriage certificates, and assignments of mortgages and leases; and direct indexes to powers of attorney, wills, mechanics' liens, transcripts of judgments, attachments, pending actions, sheriff's certificates of sale of real estate, separate property of married women and sole trader judgments, affidavits of annual work done on mining claims, mining claims, births and deaths, declarations of water rights, estray and lost property book, assignments for benefit of creditors, and a miscellaneous index in which must be indexed papers not otherwise provided for.[39] Because of the scarcity

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30. Mont. S. L., 1899, p. 124, sec. 1; Mont. R. C., 1935, sec. 7594.
31. Mont. S. L., 1899, p. 128, sec. 7; Mont. R. C., 1935, sec. 8324.
32. Mont. S. L., 1915, ch. 23, sec. 2; Mont. R. C., 1935, sec. 8360.
33. Mont. S. L., 1915, ch. 25, sec. 2; Mont. R. C., 1935, sec. 8367.
34. Mont. S. L., 1935, ch. 196, sec. 2; Mont. R. C., 1935, sec. 8374.2.
35. Mont. S. L., 1913, ch. 49, sec. 1; Mont. R. C., 1935, sec. 6897.
36. Mont. Ter. S. L., 1st sess., 1864-65, p. 509, secs. 8, 9; Mont. R. C., 1935, sec. 4796. For list of fees see Mont. R. C., 1935, sec. 4917.
37. Mont. Ter. S. L., 1st sess., 1864-65, p. 507, sec. 7.
38. Ibid., p. 509, sec. 9; Mont. R. C., 1935, sec. 4800.
39. Mont. Pol. C., 1895, sec. 4412; Mont. R. C., 1935, sec. 4799.

of some of these records, they are recorded in the miscellaneous record and indexed in the miscellaneous index. In Beaverhead County the index to marriages is kept by the clerk of the court.

The recorder must upon request and payment of a fee make a search of his records for instruments and furnish certificates thereof.[40] All papers recorded and on file and all indexes must "during office hours" be open for inspection to all persons desiring to inspect them.[41]

The real estate records such as mortgages, deeds, and water rights are labeled numerically, consecutively for all volumes and not for each type of record. Rather than show all the numbers for some of the records having many volumes, the labeling is indicated as numerical.

The (Old Records), entry 46, date back to the unofficial government organization established at Bannack during the gold rush. Many different types of records were kept together in the same volumes at first, but later were segregated. Some of the records have deteriorated so much from age and poor atmospheric conditions that they require careful handling. As sources for early history of this region they are very valuable and should be preserved.

General Records and Indexes

45. RECEPTION RECORD, 1885--. 9 vols. (1-9). Title varies: Clerk's Fee Book. 1864-84 in (Old Records), entry 46.
Shows reception number, date of reception, names of grantors and grantees, type of instrument, amount of fee, to whom delivered, and where filed or recorded. Arr. chron. by date received. No index. Hdw. Aver. 300 pp. 18 x 16 x 3. 7 vols., 1885-1924, bsmt. vlt.; 2 vols., 1925--, C&R vlt.

46. (OLD RECORDS), 1862-94. 47 vols. (1-21, alph. by contained letters of alph.).
Contains: Reception Record, 1864-84, entry 45; Deed Record, 1862-76, entry 56; Mortgage Record, 1863-75, entry 65; Mineral Locations, 1862-79, entry 69; Water Right Locations, 1868-85, entry 74; Wills, 1868-90, entry 79; Orders and Decrees, 1868-94, entry 81; (Sheriff's) Certificate of Sale, 1868-90, entry 82; Liens, 1868-75, entry 90; Powers of Attorney, 1863-88, entry 104; Official Bonds, 1864-88, entry 106. Arr. chron. For index, 1862-75, see entry 47; 1876-94, entries 48, 49. Hdw. Aver. 400 pp. 12 x 16 x 2. C&R vlt.

For other records of deeds, mortgages, water rights, wills,

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40. Mont. Pol. C., 1895, sec. 4420; Mont. R. C., 1935, sec. 4807.
41. Mont. Pol. C., 1895, sec. 4423; Mont. R. C., 1935, sec. 4810.

and orders and decrees, see entry 53; sheriff's sales, entries 127, 175.

47. INDEX TO OLD RECORDS, 1862-75. 6 vols.
Serves as index to (Old Records), entry 46; Notes, Contracts, Bills of Sale, 1865-75, entry 84; Articles of Incorporation and Annual Statement, 1865-75, entry 101; Affidavits of Publication, 1865-75, entry 102; Annual Reports, 1865-75, entry 103; shows subject matter, names of parties involved, and book and page where recorded. Arr. alph. by names of parties. Hdw. Aver. 50 pp. 12 x 8 x $\frac{1}{4}$. C&R vlt.

48. INDEX - DIRECT, 1876-94. 1 vol.
Serves as index to (Old Records), entry 46; Notes, Contracts, Bills of Sale, 1876-89, entry 84; Assignments and Bills of Sale, 1882-88, entry 94; Articles of Incorporation and Annual Statement, 1876-88, entry 101; Affidavits of Publication, 1876-88, entry 102; Annual Reports, 1876-88, entry 103; shows date instrument was received, type of instrument, names of parties, and book and page where recorded. Arr. alph. by name of first party. Hdw. on pr. fm. 480 pp. 18 x 12 x 2. C&R vlt.

49. INDEX - INVERSE, 1876-94. 1 vol.
Serves as index to (Old Records), entry 46; Notes, Contracts, Bills of Sale, 1876-89, entry 84; Assignments and Bills of Sale, 1882-88, entry 94; Articles of Incorporation and Annual Statement, 1876-88, entry 101; Affidavits of Publication, 1876-88, entry 102; Annual Reports, 1876-88, entry 103; shows date instrument was received, type of instrument, names of parties and book and page where recorded. Arr. alph, by name of second party. Hdw. on pr. fm. 480 pp. 18 x 12 x 2. C&R vlt.

50. MISCELLANEOUS RECORDS, 1889--. 7 vols. (18, 40, 41, 68, 91; two vols. not labeled).
Minutes of stockholders' meetings, affidavits, options, contracts, notary commissions, final receiver's receipts, doctors' certificates, appointment of agent and revocations, and notices of action. Also contains: Leases, 1889-94, entry 63; Record of Separate Property of Married Women (and Sole Traders), 1889-95, entry 97; Powers of Attorney, 1889-92, entry 104; Official Bonds, 1889-95, entry 106. Arr. chron. by date file. For index, see entries 51, 52. Hdw. and typed. Aver. 600 pp. 16 x 12 x $2\frac{1}{2}$. C&R vlt.

For subsequent records of notice of action, see entry 99.

51. MISCELLANEOUS INDEX, GRANTOR, 1889--. 1 vol.
Serves as index to Miscellaneous Record, entry 50; Transcripts of Judgment, 1901--, entry 55; Orders and Decrees, 1895--, entry 81; Notes, Contracts, Bills of Sale, entry 84; Canceled Sales Contracts, 1899--, entry 86; Assignments and Bills of Sale, entry 94; Articles of Incorporation and Annual Statement, entry 101; Affidavits of Publication, entry 102; Annual Reports, entry 103; shows names of grantor and grantee or names of other parties in

instrument, date and type of instrument, file number or book and page where recorded. Arr. alph. by name of grantor. Hdw. on pr. fm. 600 pp. 16 x 12 x 2½. C&R vlt.

52. MISCELLANEOUS INDEX, GRANTEE, 1889--. 1 vol.
Serves as index to Miscellaneous Record, entry 50; Transcripts of Judgment, 1901--, entry 55; Orders and Decrees, 1895--, entry 81; Notes, Contracts, Bills of Sale, entry 84; Canceled Sales Contracts, 1899--, entry 86; Assignments and Bills of Sale, entry 94; Articles of Incorporation and Annual Statement, entry 101; Affidavits of Publication, entry 102; Annual Reports, entry 103; shows names of grantor and grantee or names of other parties in instrument, date and type of instrument, file number or book and page where recorded. Arr. alph. by name of grantee. Hdw. on pr. fm. 600 pp. 16 x 12 x 2½. C&R vlt.

53. MISCELLANEOUS (Transcripts), 1886-1910. 2 vols. (A1, A2).
Recorded copies of instruments transcribed from Madison County when a part of that county was added to Beaverhead such as deeds, water rights, mortgages, assignments, wills, articles of incorporation, decrees of distribution and orders of sale, showing names of parties and type and date of instrument; names of testators and provisions of will; name and purpose of corporation with rules; description of real estate ordered distributed and provisions of decree. Arr. chron. by date of instrument. For index, see entry 54. Typed. Aver. 600 pp. 16 x 12 x 2½. C&R vlt.

For other records of deeds, see entries 46, 56-62; mortgages, entries 46, 65-68; water rights, entries 46, 74, 75; assignments and bills of sale, entry 94; wills, entries 46, 79, 80; corporations, entries 101-103; orders and decrees, entries 46, 81.

54. MISCELLANEOUS INDEX, DIRECT AND INDIRECT, 1886-1910. 1 vol.
Showing names of grantors and grantees or names of parties in instrument, nature of instrument, and book and page where recorded in Miscellaneous (Transcripts), entry 53. Arr. alph. by names of grantor and grantee. Hdw. on pr. fm. 500 pp. 16 x 10 x 3. C&R vlt.

55. TRANSCRIPTS OF JUDGMENT, 1901--. 1 vol. (37).
Transcribed orders and judgments of district court in actions involving divorce, condemnation, and devising real estate. Arr. chron. by date filed. For index, see entries 51, 52. Hdw. and typed. 600 pp. 18 x 12 x 2½. C&R vlt.

Real Property

Deeds (See also entry 53)

56. DEED RECORD, 1876--. 59 vols. (num.). 1862-76 in (Old Records), entry 46.
Recorded copies of warranty, tax, quit claim, trustee's and

administrator's deeds showing names of grantor and grantee, date and terms of deeds, description of property, and date recorded. Arr. chron. by date recorded. For index, see entries 57, 58. Hdw. and typed. Aver. 600 pp. 18 x 12 x 2½. C&R vlt.

57. INDEX TO DEEDS, GRANTOR, 1876--. 2 vols. (1, 2).
Index to Deed Record, entry 56; Patents, entry 59; Mining Deed Record, entry 60; Mineral Patent Record, entry 61; shows date recorded, names of grantor and grantee, book and page where recorded, and brief description of property. Arr. alph. by name of grantor. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 2½. C&R vlt.

58. INDEX TO DEEDS, GRANTEE, 1876--. 2 vols. (1, 2).
Index to Deed Record, entry 56; Patents, entry 59; Mining Deed Record, entry 60; Mineral Patent Record, entry 61; shows date recorded, names of grantee, and grantor, book and page where recorded, and brief description of property. Arr. alph. by name of grantee. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 2½. C&R vlt.

59. PATENTS, 1871--. 5 vols. (num.).
Record of patents on homestead, desert, timber, and mining claims issued by the President of the United States to individuals filing claims showing date of patent, name of grantee, description of land, signatures of President, Secretary, and official of land office, date filed and recorded, and signature of recorder. Arr. chron. by date recorded. No index, 1871-75; for index, 1876--, see entries 57, 58. Hdw. and typed. Aver. 650 pp. 18 x 12 x 2½. C&R vlt.

60. MINING DEED RECORD, 1895--. 3 vols. (num.).
Recorded copies of warranty, quit claim, tax, and sheriff's deed to mining property showing names of grantor and grantee, date, description of property, and terms of deed. Arr. chron. by date recorded. For index, see entries 57, 58. Hdw. and typed. Aver. 600 pp. 18 x 12 x 2½. C&R vlt.

61. MINERAL PATENT RECORD, 1894--. 1 vol. (55).
Record of patents to mining claims granted by the President of the United States to individuals showing date granted, description of property, and name of grantee. Arr. chron. For index, see entries 57, 58. Hdw. and typed. 600 pp. 18 x 12 x 2½. C&R vlt.

62. ABSTRACTS OF FINAL PROOF, 1870--. 2 f.b. (58, 86).
Original documents issued by United States Land Office showing final proof of homestead, desert, timber, and mining claims giving name of affiant, description of property, and date of filing. Arr. alph. by name of applicant. No index. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

Leases

63. LEASES, 1895--. 2 vols. (34, 85). 1889-94 in Miscellaneous Records, entry 50.
Recorded copies showing names of lessors and lessees, terms and

[illegible] Arr. [illegible] For index, see entries 57, 58. [illegible]

57. INDEX TO DEEDS, GRANTOR, [illegible] 2 vols. [illegible] Index to deed record, entry 56, [illegible]

58. INDEX TO DEEDS, GRANTEE, [illegible] Index to deed record, entry 56, [illegible]

59. PATENTS, [illegible] Record of patents [illegible]

60. [illegible]

61. [illegible]

62. [illegible]

Liens

63. [illegible]

dates of leases on real property and on leases and bonds on mining property, and date filed for record. Arr. chron. by date recorded. For index, see entry 64. Hdw. and typed. Aver. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

64. INDEX TO LEASES (Direct and Inverse), 1895--. 1 vol. Shows names of lessors and lessees, date of lease, date and book and page where recorded in Leases, entry 63. Arr. alph. by names of lessors and lessees. Hdw. on pr. hd. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

Mortgages (See also entries 53, 87-89)

65. MORTGAGE RECORD, 1876--. 16 vols. (num.). 1863-75 in (Old Records), entry 46.
Recorded copies showing names of mortgagor and mortgagee, date of mortgage, description of property, amount and terms, and date recorded. Also contains: Release of Mortgages, 1920--, entry 68. Arr. chron. by date of recording. For index, see entries 66, 67. Hdw. and typed. Aver. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

66. (Index to) MORTGAGES OF REAL PROPERTY, MORTGAGOR, 1876--. 1 vol.
Index to Mortgage Record, entry 65; Release of Mortgages, entry 68; shows names of mortgagor and mortgagee, book and page where recorded, date canceled, and remarks; also assigned, canceled or released, and amount involved. Arr. alph. by name of mortgagor. Hdw. on pr. hd. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

67. (Index to) MORTGAGES OF REAL PROPERTY, MORTGAGEE, 1876--. 1 vol.
Index to Mortgage Record, entry 65; Release of Mortgages, entry 68; shows date filed, names of mortgagee and mortgagor, book and page where recorded, date canceled, and remarks as to whether assigned, canceled, or released, and amount involved. Arr. alph. by mortgagee. Hdw. on pr. hd. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

68. RELEASE OF MORTGAGES, 1886-1919. 1 vol. (32). 1920-- in Mortgage Record, entry 65.
Sworn statements releasing mortgage showing date, names of parties, book and page where mortgage is recorded and date filed for record. Arr. chron. by date filed. For index, see entries 66, 67. Hdw. and typed on pr. fm. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

Mining

69. MINERAL LOCATIONS, 1880--. 19 vols. (num.). 1862-79 in (Old Records), entry 46. Title varies: Quartz Location Record, Record of Location, Quartz Location; Claim Location-Quartz and Water Rights; Claim Location.
Certificates of location on mining claims showing date, names of locators, locations, sizes of claims, and minerals found. Arr. chron. by date recorded. For index, see entry 70. Hdw. and typed.

Aver. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

70. INDEX TO QUARTZ LODES, 1880--. 2 vols.
Showing date claim located, name of locator, name of lode and of district, book and page where recorded in Mineral Locations, entry 69. Arr. alph. by names of locator and lode. Hdw. on pr. hd. Aver. 480 pp. 18 x 12 x 2. C&R vlt.

71. REPRESENTATION MINING CLAIM RECORD, 1885--. 3 vols. (11, 30, 62).
Affidavits of annual work on mining claims showing names of claim and owner, itemized lists of work and improvements, and costs. Arr. chron. by date filed. For index, see entry 72. Hdw. and typed on pr. fm. Aver. 500 pp. 18 x 12 x 2. C&R vlt.

72. INDEX TO ANNUAL WORK ON MINING CLAIMS, 1885--. 1 vol. (1).
Showing names of affiant and claim, district, year that work was done, date of instrument, and when and where recorded in Representation Mining Claim Record, entry 71. Arr. alph. by names of affiant and claim. Hdw. on pr. hd. 500 pp. 18 x 12 x 2. C&R vlt.

73. INDEX TO PATENTED MINING CLAIMS, 1871--. 2 vols. Title varies: Mining Claims Subject to Taxation, 1882-1930, 1 vol.
A register of mining claims obtained by patent kept to show ownership of mining claims for taxation purposes, showing name of claim, survey number, number of acres, location of property, name of original owner and to whom transferred with date of transfer and where recorded in patent record. Arr. alph. by name of claim. No index. Hdw. on pr. fm. Aver. 300 pp. 30 x 24 x 2. C&R vlt.

Water Rights (See also entry 53)

74. WATER RIGHT LOCATIONS, 1885--. 6 vols. (num.). 1868-85 in (Old Records), entry 46.
Notices of appropriation of water, showing name of appropriator, name of stream, measurements, and date of notice. Arr. chron. by date filed. For index, see entry 75. Hdw. and typed. Aver. 600 pp. 18 x 12 x $2\frac{1}{2}$. C&R vlt.

75. INDEX TO WATER RIGHTS, 1885--. 1 vol. (1).
Shows name of locator, name of stream, date of instrument, date and book and page where recorded in Water Right Locations, entry 74. Arr. alph. by name of locator and stream. Hdw. 500 pp. 18 x 12 x 2. C&R vlt.

Land Books (See also entry 225)

76. PLAT BOOK, 1871--. 1 vol.
Official plats showing towns and additions. Arr. alph. by name of town and addition. No index. 160 pp. 40 x 26 x 4. C&R vlt.

77. LAND SUBJECT TO TAXATION (Present Ownership Book), 1871--. 11 vols. (M, N, A-G; two vols. not labeled). Title varies: Real Property Assessment Book, 1871-89, 2 vols.

Register of land ownership kept for the purpose of checking the ownership of land for taxation giving description of land, the name of present owner, and book and page where deed to property is recorded. Arr. num. by twp. and range. No index. Hdw. and typed on pr. fm. Aver. 400 pp. 24 x 18 x 5. C&R vlt.

78. TOWN LOT ASSESSMENT (Present Ownership, Townlot), 1871--. 4 vols. (J, K, Dillon, Lima and Wisdom).

A register of ownership of town property showing name of town and addition, lot and block number, description and value of property, names of present and past owners, and book and page where deed to property is recorded. Arr. alph. by town and addition name and thereunder by block and lot no. No index. Hdw. and typed on pr. fm. Aver. 500 pp. 16 x 12 x 2½. C&R vlt.

Real Estate, Probate (See also entry 53)

79. WILLS, 1891-1925. 1 vol. (35). 1868-90 in (Old Records), entry 46.

Recorded copies of wills in which ownership of real property is transferred, affidavits of testators, letters testamentary, and orders admitting will to probate. Arr. chron. by date filed. For index, see entry 80. Hdw. and typed. 600 pp. 18 x 12 x 2½. C&R vlt.

For original wills, see entry 138.

80. INDEX TO WILLS, 1891-1925. 1 vol. (1).

Shows name of testator, date of will, date of probate, date and book and page where recorded in Wills, entry 79. Arr. alph. by name of testator. Hdw. on pr. hd. 500 pp. 18 x 12 x 2. C&R vlt.

81. ORDERS AND DECREES, 1895--. 2 vols. (38, 84). 1868-94 in (Old Records), entry 46.

Record of orders and decrees of district court such as orders for distribution of estates, quieting title, appointing guardian, divorce decrees, and approving sales showing names of court and parties, description of property involved, affidavit by clerk of court, date of document, and date recorded. Arr. chron. by date filed. For index, see entries 51, 52. Hdw. and typed. Aver. 600 pp. 18 x 12 x 2½. C&R vlt.

For other records of orders and decrees, see entry 53.

Personal Property

Sales

82. (Sheriff's) CERTIFICATE OF SALE, 1890--. 3 f.b. (labeled by incl. inst. nos.). 1868-90 in (Old Records), entry 46.

Gives instrument number, description of property, amount due, date of sale, and name of purchaser. Arr. num. by inst. no. For index, see entry 83. Hdw. and typed on pr. fm. 10 x 4 x 13. C&R vlt.

For other records of sheriff's sales, see entries 126, 127, 175.

83. INDEX TO CERTIFICATE OF SALE, 1890--. 1 vol.

Index to (Sheriff's) Certificate of Sale, entry 82, showing instrument number, date filed, name of purchaser, name of owner, and where instrument filed. Arr. alph. by name of purchaser. Hdw. on pr. hd. 300 pp. 16 x 12 x 2. C&R vlt.

84. NOTES, CONTRACTS, BILLS OF SALE, 1865--. 11 bdls., 4 f.b. (101-105).

Original contracts of purchase with promissory notes attached showing names of vendor and purchaser, date of sale, terms of contract, date of expiration, instrument number, and date filed. Also contains: (Bills of Sale), 1865-81, entry 84a. Arr. num. by inst. no. For index, 1865-75, see entry 47; 1876-89, see entries 48, 49; 1889--, entries 51, 52. Hdw. and typed. 10 x 4 x 13. 11 bdls., 1865-1927, bsmt. vlt.; 4 f.b., 1927--, C&R vlt.

84a. (BILLS OF SALE), 1865--. 1865-81 in Notes, Contracts, Bills of Sale, entry 84; 1882-- in Assignments and Bills of Sale, entry 94.

Original instruments conveying personal property showing names of vendor and purchaser, description of property, and date of sale.

85. RECORD OF CONTRACTS, NOTES AND INSTRUMENTS, 1899-1930. 1 vol.

Register showing date filed, date of instrument, names of grantor and grantee, and date satisfied. Arr. alph. by name of grantor. No index. Hdw. on pr. hd. 480 pp. 16 x 12 x 2. C&R vlt.

86. CANCELED SALES CONTRACTS, 1899--. 1 f.b. (126). Prior records destroyed.

Original instruments showing names of parties, date of contract and terms, description of property involved, amount involved, and date canceled. Arr. num. by reception no. For index, see entries 51, 52. Hdw. and typed on pr. fm. 10 x 4 x 13. C&R vlt.

Chattel Mortgages (See also entries 65-68)

87. CHATTEL MORTGAGES, 1895--. 30 f.b. (labeled by incl. inst. nos.).

Original instruments giving names of mortgagor and mortgagee, date,

terms, amount and inventory of property. Arr. num. by instrument no. For index, see entries 88, 89. Hdw. and typed on pr. fm. 10 x 4 x 13. C&R vlt.

88. (Index to) MORTGAGES OF PERSONAL PROPERTY, MORTGAGOR, 1895--. 2 vols.
Index to Chattel Mortgages, entry 87 showing date filed, names of mortgagor and mortgagee, date of mortgage, where filed, date canceled, and amount covered by mortgage. Arr. alph. by name of mortgagor. Hdw. on pr. hd. Aver. 300 pp. 18 x 12 x 2. C&R vlt.

89. (Index to) MORTGAGES OF PERSONAL PROPERTY, MORTGAGEE, 1895--. 2 vols.
Index to Chattel Mortgages, entry 87 showing date filed, names of mortgagee and mortgagor, date of mortgage and amount, where filed, and date canceled, if so. Arr. alph. by name of mortgagee. Hdw. on pr. hd. Aver. 300 pp. 18 x 12 x 2. C&R vlt.

Liens

90. LIENS, 1876--. 2 f.b. (81, 82). 1868-75 in (Old Records), entry 46.
Original instruments showing names of lienor and lienee, nature of claim, date of lien, amount claimed, description of property involved, and reception number. Arr. num. by reception no. For index, see entry 91. Hdw. on pr. fm. 12 x 10 x 4. C&R vlt.

91. INDEX TO LIENS, 1876--. 1 vol.
Index to Liens, entry 90, showing instrument number, names of claimant and property owner, date and number of instrument, date and where filed. Arr. alph. by names of lienee and lienor. Hdw. on pr. hd. 300 pp. 18 x 12 x 2. C&R vlt.

Assignments

92. ASSIGNMENTS FOR BENEFIT OF CREDITORS, 1900--. 1 vol. (39).
Recorded copies showing names of assignor and assignee, date, terms of assignment, and affidavit. Arr. chron. by date filed. For index, see entry 93. Typed. 480 pp. 18 x 12 x 2. C&R vlt.

93. INDEX TO ASSIGNMENTS FOR BENEFIT OF CREDITORS, 1900--. 1 vol. (1).
Shows names of assignor and assignee, date of instrument, and book and page where recorded in Assignments for Benefit of Creditors, entry 92. Arr. alph. by name of assignor. Hdw. on pr. hd. 300 pp. 16 x 12 x 2. C&R vlt.

94. ASSIGNMENTS AND BILLS OF SALE, 1882--. 1 f.b. (58). Prior records destroyed.
Original instruments of assignments of claims, rights, title, and interest in property showing names of assignor and assignee and

reception number; also contains: (Bills of Sale), entry 84a. Arr. num. by reception no. For index, 1882-88, see entries 48, 49; 1889--, entries 51, 52. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

For other bills of sale, see entry 84; for other records of assignments, see entry 53.

Attachments

(See also entries 122, 123)

95. WRITS OF ATTACHMENT, 1865--. 2 f.b. (labeled by incl. inst. nos.).
Original instruments showing date, names of principals, description of property attached, amount attached, and reception number. Arr. num. by reception no. No index, 1865-85; for index, 1886--, see entry 96. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

(Index to) ATTACHMENTS, 1886--. 2 vols.
Index to Writs of Attachments, entry 95, showing date and reception number, names of principals, date and where filed, and date of discharge. Arr. alph. by names of defendant and plaintiff. Hdw. on pr. hd. Aver. 360 pp. 16 x 12 x 2. C&R vlt.

Separate Property of Married Women

97. RECORD OF SEPARATE PROPERTY OF MARRIED WOMEN (and Sole Traders), 1896--. 1 vol. (42). 1889-95 in Miscellaneous Records, entry 50.
Recorded copies of instruments showing name and address of wife and husband, inventory of property, affidavit of ownership by wife, and date filed. Arr. chron. by date filed. For index, see entry 98. Hdw. and typed. 310 pp. 12 x 7 x 1. C&R vlt.

98. INDEX TO SEPARATE PROPERTY OF MARRIED WOMEN (and Sole Traders), 1896--. 1 vol.
Shows name of woman, date and book and page where recorded in Record of Separate Property of Married Women (and Sole Traders), entry 97. Arr. alph. by name of woman. Hdw. on pr. hd. 300 pp. 16 x 12 x 2. C&R vlt.

Pending Actions

99. NOTICES OF ACTIONS, 1896--. 7 f.b. (labeled by incl. inst. nos.).
Notices of pending court actions filed to prevent transfer of ownership of property involved, showing names of plaintiffs and defendants, amounts sued for, date filed, and reception number. Arr. num. by reception no. For index, see entry 100. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

For prior records of notices, see entry 50.

100. INDEX TO NOTICES OF ACTION, 1896--. 1 vol.
Index to Notices of Actions, entry 99, showing names of parties to action, type of action, date received, and instrument number. Arr. alph. by name of defendant. Hdw. on pr. hd. 500 pp. 16 x 12 x 2. C&R vlt.

Corporations

(See also entry 53)

101. ARTICLES OF INCORPORATION AND ANNUAL STATEMENT, 1865--. 14 f.b. (labeled alph. by incl. names).
Showing name and purpose of corporation, date incorporated, amount of capital stock, and annual statements of financial condition. Arr. alph. by name of corporation. For index, 1865-75, see entry 47; 1876-88, entries 48, 49; 1889--, entries 51, 52. Hdw. and typed. 10 x 4 x 13. C&R vlt.

102. AFFIDAVITS OF PUBLICATION, 1865--. 1 f.b. (71).
Sworn statements that annual statements of corporations have been published as required by law. Arr. alph. by name of corporation. For index, 1865-75, see entry 47; 1876-88, entries 48, 49; 1889--, 51, 52. Hdw. on pr. fm. 10 x 4 x 13. C&R vlt.

103. ANNUAL REPORTS, 1865--. 1 f.b.
Showing names of corporations, date of report, condition of business, list of officers, and dividends paid by corporation. Arr. alph. by name of corporation. For index, 1865-75, see entry 47; 1876-88, entries 48, 49; 1889--, entries 51, 52. Hdw. 10 x 4 x 13. C&R vlt.

Powers of Attorney

104. POWERS OF ATTORNEY, 1893--. 1 vol. (33). 1863-88 in (Old Records), entry 46; 1889-92 in Miscellaneous Record, entry 50.
Recorded copies showing appointments authorizing a second person to transact business of first party, dates of duration, and names of witnesses; also revocations of powers of attorney. Arr. chron. by. date recorded. For index, see entry 105. Hdw. and typed. 480 pp. 18 x 12 x 2. C&R vlt.

105. INDEX TO POWERS OF ATTORNEY, 1893--. 1 vol.
Gives names of grantor and grantee, dates of duration, date and book and page where recorded in Powers of Attorney, entry 104. Arr. alph. by name of grantee. Hdw. on pr. hd. 500 pp. 18 x 12 x 2. C&R vlt.

Surety Bonds
(See also entry 3)

106. OFFICIAL BONDS, 1896--. 2 vols. (36, 74). 1864-88 in (Old Records), entry 46; 1889-95 in Miscellaneous Record, entry 50.
Recorded copies of official bonds giving names of principals and sureties and amounts and conditions of bonds; also oath of office and date. Arr. chron. by date recorded. For index, see entry 107. Hdw. and typed on pr. fm. Aver. 640 pp. 18 x 12 x 2½. C&R vlt.

107. INDEX TO OFFICIAL BONDS, 1896--. 1 vol. (1).
Gives names of officer and office, date and amount of bond, names of sureties, date and book and page where recorded in Official Bonds, entry 106. Arr. alph. by name of officer. Hdw. on pr. hd. 600 pp. 18 x 12 x 2. C&R vlt.

Miscellaneous

108. BOUNTY INSPECTOR, 1884-94. 1 vol. Discontinued.
Register showing name of claimant, kind and number of animals killed, amount of bounty paid, and date paid. Arr. alph. by name of claimant. No index. Hdw. 261 pp. 14 x 8 x 1½. C&R vlt.

109. DENTAL REGISTER, 1922-33. 1 vol. Discontinued.
Shows dentists' names, date of examination, and date certified. Arr. alph. by dentist's name. No index. Hdw. on pr. hd. 250 pp. 13 x 9½ x 2. C&R vlt.

110. CERTIFICATE OF REGISTRATION OF OPTOMETRISTS, 1907-14. 1 vol. Discontinued.
Duplicates showing names of persons licensed to practice optometry in the state; date license issued, and amount of fee paid. Arr. chron. by date issued. No index. Hdw. 150 pp. 14 x 2½ x ½. Cl. cts. vlt.

V. DISTRICT COURT

Structure of Judicial System

Territorial

A judicial system for the Territory of Montana was provided in the Organic Act of 1864. This stated that the judicial powers shall be "vested in a supreme court, district courts, probate courts, and in justices of the peace." The supreme court should consist of three justices, and there should be three judicial districts each presided over by one of the Supreme Court

(Next entry 111, p. 93)

Justices.[1] These judges were appointed by the President for a term of four years, and their salaries were fixed at $2,500, annually.[2] The first Territorial legislature provided that a probate judge should be elected in each county[3] and two justices of the peace in each township.[4]

The Organic Act provided that the judge of each district should appoint a clerk "who shall also be the registrar in chancery and shall keep his office at the place where the court be held. This clerk should hold his office at the "pleasure of the court" which appointed him and receive fees fixed by law for his office.[5] In 1867 the legislature provided that the district judge should appoint a deputy clerk of court in each county who "shall keep his office at the county seat of said county." This duty was assigned to the clerk of the district court in 1879. The salary for the deputy to be appointed for Beaverhead County was fixed at $500 in 1885 and increased to $600 plus fees fixed by law for the office in 1887.[6]

Statehood

The Constitution provides for a Supreme Court of not less than three, nor more than five justices, elected for a term of six years.[7] The qualifications for this office include a minimum age of thirty years, two years residence within the State, and membership of the bar of the State.[8] The district courts were continued by the Constitution but with smaller districts under the jurisdiction of judges elected by the constituents of their respective districts for four year terms. The Constitution placed Beaverhead, Madison, and Jefferson Counties in the fifth district temporarily until the legislature could make provisions for districting the State. These three counties still constitute the fifth district.[9] To be eligible for the office a man once elected must be at least twenty-five years old, have resided for not less than one year within the state, and must be admitted to practice before the

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[1] United States 37th Congress, 2nd sess., Statutes at Large, vol. 13, ch. 95, sec. 9.

[2] Ibid., sec. 11.

[3] Mont. Ter. S. L., 1st sess., 1864-65, p. 506, art. 2, sec. 1.

[4] Ibid., pp. 521, 522, sec. 1.

[5] Organic Act, op. cit., sec. 9; Mont. Ter. S. L., 1st sess., 1864-65, p. 26, sec. 9; pp. 470, 471.

[6] Mont. Ter. S. L., 4th sess., 1867, pp. 79, 80; Ibid., 11th sess., 1879, p. 61, sec. 1; Ibid., 14th sess., 1885, pp. 64-67, sec. 5; Mont. Compiled Stat., 1887, p. 900, secs. 947, 948.

[7] Const., 1889, art. 8, secs. 5-8.

[8] Ibid., sec. 10.

[9] Ibid., secs. 12, 13; Mont. C. Civ. Proc., 1895, sec. 30; Mont. R. C., 1935, sec. 8812.

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Supreme Court.[10] The district court judge receives a salary of $4,800, per annum. Judges may be removed only by impeachment.[11] In the case of vacancies in either the Supreme or district courts, appointments are made by the Governor.[12] In the Constitution no probate courts are mentioned,[13] but the office of justice of the peace is continued.[14]

The office of clerk of the district court was made elective with a term of four years.[15] The clerk may be removed from office only upon charges proved in court of neglect of duty or corruption in office.[16] His official bond in Beaverhead County is $5,000[17] to be approved by the district judge.[18] The salary in 1891 was $1,500 but has varied from time to time as a result of changes in salary schedules and the county's classification, the present salary being $1,800.[19]

For the handling of cases involving delinquents under eighteen years of age the law provided in 1911 for a probation officer in each judicial district. This official is appointed by the district judge and serves at the pleasure of the court. The bond, which must be approved by the court, is $2,000 for counties with less than 30,000 people. The salary is fixed by the court but must not exceed $1,800 per year.[20]

Jurisdiction, Powers, and Duties

Jurisdiction

The Organic Act of 1864 made the jurisdiction of the district courts in cases involving the "Constitution and law of the United States" the same as that in the Federal district and circuit courts.[21] The district court also had original jurisdiction in all

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[10] Const., 1889, art. 8, sec. 16.
[11] Ibid., art. 5, sec. 17.
[12] Ibid., art. 8, sec. 34.
[13] See essay on Probate Court, p. 103.
[14] Ibid., art. 8, secs. 20-23; see essay on Justice Court, p. 109.
[15] Ibid., art. 8, secs. 12, 18.
[16] Mont. Penal C., 1895, secs. 1531, 1545; Mont. R. C., 1935, sec. 11700.
[17] Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, sec. 466.
[18] Mont. Pol. C., 1895, sec. 1053; Mont. R. C., 1935, sec. 471.
[19] Mont. S. L., 1891, p. 237, sec. 3; Ibid., 1921, ch. 151, sec. 9; Mont. R. C., 1935, sec. 4867.
[20] Mont. S. L., 1911, ch. 122, sec. 14. Given as amend. 1933 (ch. 185, sec. 1); Mont. R. C., 1935, sec. 12288.
[21] United States Statutes at Large, op. cit., sec. 9.

(Next entry 111, p. 93)

cases involving law or equity except those expressly reserved to the probate court. In order to define the court's powers the first Territorial legislature adopted a lengthy Civil Practice Act and a Criminal Practice Act.[22] In the Civil Practice Act the law described the manner of commencing civil actions, the pleadings, the conduct of the trial, the verdict, judgments and executions, and in all cases defined the duties and powers of the judge. It described procedure relating to mortgages and other actions involving real estate, and actions regarding debts, torts, and other controversies. The law also defined crimes and the procedure of indictments, arraignments, trial, verdict, and judgment in prosecuting those charged with criminal offenses. The Supreme Court had only appellate jurisdiction,[23] the district had both appellate and original jurisdiction in both civil and criminal cases.[24]

By the Constitution of 1889 the district court has "original jurisdiction in all cases at law and in equity including all cases which involve the title or right of possession of real property" and all other cases when the value of the property in question exceeds fifty dollars. It also has original jurisdiction in matters involving the legality of taxes, probate, guardianship, divorce, insanity, insolvency, abatement of nuisance, and all special actions not otherwise provided for. In criminal cases it has original jurisdiction in felonies and misdemeanors. It has power to hear and determine all sorts of writs and acts as a court of naturalization.[25] The district court took over all matters that previously had been before the probate courts.[26] The judge may summon a grand jury at his discretion,[27] but in practice he seldom does. The last indictment shown in the records was made in 1891. Warrants are now generally issued on "information" furnished by the prosecuting attorney.[28]

The administrative powers and duties of the Territorial probate and district courts were granted to the district courts by the Constitution.[29] In 1915 the administration of the mothers' pension law was entrusted to the district court which retained it until 1933.[30]

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22. *Mont. Ter. S. L.*, 1st sess., 1864-65, pp. 43-268.
23. *Ibid.*, p. 137, sec. 470; p. 133, sec. 436.
24. *Ibid.*, p. 138.
25. *Const.*, 1889, art. 8, sec. 2.
26. *Ibid.*, art. 20, sec. 2.
27. *Mont. Penal C.*, 1895, sec. 1750; *Mont. R. C.*, 1935, sec. 11806.
28. *Const.*, 1889, art. 3, sec. 8; *Mont. S. L.*, 1891, p. 249, sec. 2; *Mont. R. C.*, 1935, sec. 11801.
29. *Const.*, 1889, art. 8, sec. 11.
30. *Mont. S. L.*, 1915, ch. 86, amend. in 1917 to double payments for each child (*Ibid.*, 1917, ch. 83, sec. 2); *Ibid.*, 1933, ch. 133.

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The judge may solemnize marriages,[31] administer oaths,[32] and approves the official bonds of county officers.[33]

Duties of Clerk

The duties of the clerk of the court have from the origin of the office consisted chiefly of clerking for the district court and keeping its records. Under the Constitution the duties imposed during the Territorial period were to continue, and in addition the clerk succeeded to the clerical duties of the probate court, including that of issuing marriage licenses.[34] The law directs that the clerk report to the county superintendent of schools the amount of fines collected.[35] He must collect fees, in behalf of the county, for handling civil and probate cases, preparing and certifying transcripts, issuing and filing instruments and other services as provided by law.[36] These fees must be paid monthly to the county treasurer and accompanied by an itemized statement,[37] a quarterly report of which must also be submitted to the county commissioners.[38] He must issue certificates for mileage and per diem to witnesses in criminal cases and to all jurors and make a detailed statement of such certificates to the clerk of the board of commissioners.[39]

Probation Officer

The probation officer acts as clerk of the court in juvenile cases. When a complaint is made against a boy or girl under eighteen years of age, he must make a thorough investigation, report to the district judge, attend juvenile hearings, and represent the interests of the child. He must serve warrants and other processes of the court issued on violation of juvenile laws. In March of each year, he must prepare a written report to the court showing number of cases handled, disposition of cases, and useful

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31. Mont. Ter. S. L., 1st sess., 1864-65, p. 409, sec. 3; Mont. R. C., 1935, sec. 5710.
32. Mont. Civil C., 1895, sec. 191; Mont. R. C., 1935, sec. 8873.
33. Mont. Pol. C., 1895, sec. 1053; Mont. R. C., 1935, sec. 471.
34. Const., 1889, art. 20, sec. 1; Mont. R. C., 1935, sec. 5711.
35. Mont. Compiled Stat., 5th div., 1887, sec. 1903; Mont. R. C., 1935, sec. 1216.
36. Mont. S. L., 1891, p. 235, sec. 1; Mont. Pol. C., 1895, secs. 4636, 4637; Mont. S. L., 1917, ch. 88, sec. 1; Mont. R. C., 1935, secs. 4918, 4919.
37. Mont. S. L., 1891, p. 235, sec. 1; Mont. Pol. C., 1895, secs. 4606, 4607; Mont. R. C., 1935, secs. 4887, 4888.
38. Mont. S. L., 1891, p. 232, sec. 1; Mont. R. C., 1935, sec. 4745.
39. Mont. Pol. C., 1895, secs. 4645, 4649, 4650; Mont. R. C., 1935, secs. 4937-39.

information regarding the children and their parents.[40]

District courts are courts of record.[41] When the legislature in 1867 provided for a clerk of court in each county it directed that he keep "all books, papers, and records of said court."[42] In 1879 the legislature directed the clerk of the court to keep records of jurors,[43] registers of court actions,[44] records of verdicts,[45] a judgment book,[46] and to have custody of the seal of court.[47] In 1881 the law provided for filing notices of attachments with the clerk of the court.[48]

In 1895 the law relating to keeping of records was greatly expanded and remains generally the same today. The clerk was required to keep a minute book, containing the daily proceedings of the court, which should be indexed in the names of both defendant and plaintiff. He was also to keep separate registers of civil, criminal, and probate cases. The law required that a record be kept of probate proceedings, which must be indexed in the name of the deceased person, the executor or administrator, or the guardian or ward. He was also to keep a book called the "Probate Record Book." He was to keep records and indexes of persons sent to the insane asylum. Naturalization records have been prescribed from time to time by the Federal Government. The most recent set of records required by the Immigration and Naturalization Service consists of a Declaration of Intention, Petition for Citizenship, and Petitions Granted or Denied. He must keep a "Book of Jurors' Certificates" and a "Book of Witnesses' Certificates" in which must be the blank certificates and stubs to be filled. Furthermore he must keep an account in a fee book of all services rendered as clerk.[49]

The clerk must also keep records of marriage licenses issued and of the certificates returned to him by the official performing the ceremony.[50]

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40. Mont. S. L., 1911, ch. 122, sec. 3; Mont. R. C., 1935, sec. 12277.
41. Organic Act, op. cit., sec. 9; Mont. Ter. S. L., 1st sess., 1864-65, p. 134, sec. 449.
42. Mont. Ter. S. L., 4th sess., 1867, pp. 70-80.
43. Mont. Revised Statutes, 1879, 1st div., sec. 246.
44. Ibid., sec. 517.
45. Ibid., sec. 268.
46. Ibid., sec. 292.
47. Ibid., sec. 511.
48. Mont. Ter. S. L., 12th sess., 1881, pp. 9, 10, sec. 180.
49. Mont. Pol. C., 1895, sec. 4440; Mont. R. C., 1935, sec. 4815.
50. Mont. Compiled Stat., 1887, 5th div., sec. 1419; Mont. Civil C., 1895, sec. 77; Mont. R. C., 1935, sec. 5716.

From 1915 to 1933, while the mothers' pensions were under the jurisdiction of the court, the clerk of the court kept all records pertaining to them.

In addition to the special indexes for special types of cases, the clerk of the court was required also to keep general, direct and inverse indexes to court records.[51]

The (Old Records), entry 111, date back to the government of the mining camps. The same system was used here as in the recorder's office of keeping all records in one volume. The labeling on some of the volumes is partially obliterated, and the old records must be handled carefully. The record system has gradually expanded until different types of records are kept separately with their own indexes. The general index, required by law, has been discontinued since it is duplicated in other records.

The probation officer is required to keep a special record book known as the Juvenile Delinquent Record and also a Juvenile Docket.[52] In Beaverhead County such records are kept by the clerk of the court.

For reports of fees collected, see entries 5, 226.

General Records and Indexes

111. (OLD RECORDS), 1863-78. 24 vols., 10 boxes (labeling obliterated).

Miscellaneous day books and ledgers in which all court proceedings, including naturalization, were recorded, showing names of plaintiff and defendant, title of action, case number, date of action and type of papers filed; summons, executions, judgments, decrees and other court actions. Arr. chron. No index, 1863; for index, 1864-78, see entry 112; for index to naturalization proceedings, 1867-69, see entry 148. Hdw. Aver. 100 pp. 12 x 6 x 1; boxes, 24 x 20 x 18. Cl. cts. vlt.

For subsequent records, see entries 114, 120, 125, 126, 128, 129, 134-138.

112. (INDEX TO OLD RECORDS), 1864-78. 2 vols.

Shows date, title of case, and book and page where recorded in (Old Records), entry 111. Arr. alph. by title of case. Hdw. Aver. 100 pp. 14 x 8 x 1½. Cl. cts. vlt.

113. GENERAL INDEX, 1879-1932. 3 vols. Title varies: Index to Court Records.

Register and index to District Court Journal, entry 114; Civil

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[51] Mont. Pol. C., 1895, sec. 4442; Mont. R. C., 1935, sec. 4817.

[52] Mont. S. L., 1911, ch. 122, sec. 3; Mont. R. C., 1935, sec. 12277.

Cases, entry 120; Water Cases, entry 121; Judgment Books, entry 125, shows case number, names of defendant and plaintiff, cause and date of action, date of judgment, amount, to whom granted, and book and page where recorded. Arr. alph. by name of plaintiff. Hdw. Aver. 600 pp. 18 x 12 x 2. Cl. cts. vlt.

114. DISTRICT COURT JOURNAL, 1870--. 12 vols. (A, B, D, G-N; 1 vol. not labeled).
Record of daily proceedings of district court on civil, criminal, insanity, and naturalization matters, and including criminal bonds showing date of action, cause of action, transcripts of proceedings, including criminal bonds, and name of judge presiding. Arr. chron. by date of court session. No index, 1870-75; for index, 1876--, see entry 118; for index, 1879-1932, see entry 113; for index to criminal bonds, 1923-34, see entry 133; 1935--, entry 129; for index to naturalization proceedings, see entry 148. Hdw. and typed. Aver. 500 pp. 18 x 11 x 2. Cl. cts. vlt.

For prior records, see entry 111.

115. FEE BOOK, 1868--. 6 vols. Title varies: Day Book, 1868-79, 1 vol.; Clerk's Account Book, 1891-95, 1 vol.; Filings, 1895-1909, 1 vol.; Register of Estates and Fee Book, 1878-1906, 1 vol.; Cash, 1905-14, 1 vol.
Register of fees received showing title of action, type of instruments filed, by whom fees are paid, and date paid. Arr. chron. by date received. No index. Hdw. Aver. 400 pp. 16 x 12 x 2. Cl. cts. vlt.

For records of naturalization fees, 1906-19, see entry 141.

116. ATTORNEYS' MOTIONS, 1876-1914. 2 vols. (4; one not labeled). Title varies: Motion Book.
Shows record of motions made in court proceedings giving date and character of motion, title of case, name of attorney making motion, minutes of debate on granting of motion, and decision of judge. Arr. chron. by date of motion. No index. Hdw. Aver. 275 pp. 16 x 11 x 2. Cl. cts. vlt.

117. TRANSCRIPTS OF TESTIMONY, 1897--. 2 f.b.
Copies of testimony transcribed from stenographic notes in cases appealed. Arr. chron. by date filed. No index. Hdw. and typed. 31 x 16 x 10. Cl. cts. vlt.

Civil

(See also entries 111, 169, 170, 173)

118. REGISTER OF ACTIONS, 1876--. 7 vols. Title varies slightly.
Register showing title of case, case number, cause of action, names of attorneys, list and date filed of all legal pleadings in each case. Also serves as index to District Court Journals, entry 114; Civil Cases, entry 120; Water Cases, entry 121; Undertakings on Attachments, entry 122; Transcripts of Judgments, entry 124;

Judgment Books, entry 125; Execution Docket, entry 126; Orders of Sale, entry 127. Arr. alph. by names of plaintiff and defendant. No index. Hdw. on pr. hd. Aver. 350 pp. 18 x 11½ x 2. Cl. cts. vlt.

119. CIVIL CALENDAR, 1872-1914. 9 vols. Discontinued. Title varies: Bar Calendar; Judge's Calendar; Court Calendar.

Shows date of term, list of cases to be tried, and names of attorneys. Arr. chron. by date of term. No index. Hdw. Aver. 300 pp. 18 x 12 x 1½. Cl. cts. vlt.

120. CIVIL CASES, 1879--. 108 f.b. (labeled by incl. case nos.).

Original instruments for pleadings in civil matters. Contains writs of attachment, complaints, summons, motions, answers, affidavits, demurrers, defaults, orders, judgments, and decrees. Documents show names of plaintiff and defendant, case number, type of instrument, date filed and signature of judge presiding and clerk of court. Also contains Undertakings on Attachment, 1879-95, entry 122. Arr. num. by case no. For index, see entry 118; for index, 1879-1932, see also entry 113. Hdw. and typed. 20 f.b., 22 x 16 x 11; 88 f.b., 11 x 5 x 13. Cl. cts. vlt.

121. WATER CASES, 1886--. 6 f.b. (labeled by incl. inst. nos.).

Original instruments for all pleadings in water cases. Contains complaints, subpoenas, summons, affidavits, and decrees. Documents show names of plaintiff and defendant, case number, nature of complaint, date filed, and signatures of presiding judge and clerk. Arr. num. by case no. For index, see entry 118; for index, 1879-1932, see entry 113. Hdw. and typed on pr. fm. 13 x 10 x 4. Cl. cts. vlt.

122. UNDERTAKINGS ON ATTACHMENT, 1896--. 3 f.b. (labeled by incl. inst. nos.). 1879-95 in Civil Cases, entry 120.

Original instruments showing names of plaintiff, defendant, and attorneys; case number; description of property attached, amount of attachment, date of action and amount of bond of plaintiff to secure defendant against loss if he wins the case. Arr. num. by case no. For index, see entry 118. Typed. 10 x 4 x 13. Cl. cts. vlt.

For writs of attachments, see entries 95, 123.

123. SUBMARINES (Writs of Attachment), 1939. 1 f.b.

Original writs of attachment filed to guard against removal or disposal of attached property before sheriff can seize same. Not filed with recorder until after execution of attachment. Arr. num. by case no. No index. Hdw. and typed on pr. fm. 10 x 4 x 12. Cl. cts. vlt.

For other writs, see entry 95; undertakings, entry 122.

124. TRANSCRIPTS OF JUDGMENTS, 1897--. 3 f.b. (labeled by incl. inst. nos.).
Transcripts of assignment, satisfaction, acknowledgment, and execution of judgments rendered by justice court and district court of another county showing case number, judgment creditor and debtor, and amount of judgment; date filed, satisfied, or appealed. Arr. num. by case no. For index, see entry 118. Hdw. and typed. 10 x 4 x 13. Cl. cts. vlt.

125. JUDGMENT BOOKS, 1879--. 12 vols. (1-12).
Recorded copies of judgments and decrees showing names of plaintiff and defendant, case number, cause of action, and transcript of judgment of court signed by district judge. Arr. chron. by date of judgment or decree. For index, see entry 118; for index, 1879-1932, see entry 113. Hdw. and typed. Aver. 350 pp. 15 x 10 x 2. Cl. cts. vlt.

126. EXECUTION DOCKET, 1878--. 4 vols. (A-C; one vol. not labeled). Title varies: Execution Record.
Register of sheriff's sales, seizures, affidavits of publication, and executions showing file number, names of plaintiff and defendant, and dates of executions. Arr. chron. by date filed. For index, see entry 118. Hdw. and typed. Aver. 500 pp. 18 x 11 x 2. Cl. cts. vlt.

127. ORDERS OF SALE, 1890--. 1 vol.
Register of sheriff's sales by order of court showing place of sale, description of property to be sold, amount of judgment and costs, and amount realized on sale. Arr. chron. by date received. For index, see entry 118. Hdw. 600 pp. 16 x 12 x 2½. Cl. cts. vlt.

For other records of sheriff's sales, see entries 46, 82, 175.

Criminal

(See also entries 111, 169, 170, 179, 180)

128. STATE CRIMINAL CASES, 1890--. 28 f.b. (labeled by incl. case nos.).
Instruments in criminal cases such as indictments, demurrers, motions, praecipes, subpoenas, information, charge of court, verdict, summons, judgments, bills of exception, sentence, transcripts, and notice of appeal. Arr. num. by case no. For index, see entry 129. Hdw. and typed. 16 x 11 x 25; 10 x 5 x 13. Cl. cts. vlt.

129. REGISTER OF CRIMINAL ACTIONS, 1886--. 3 vols. (A-C).
Register giving filing date and title of all papers in criminal actions showing names of plaintiffs and defendants, type of action, where original instruments were filed or recorded, and case number. Serves as index by case number to State Criminal Cases, entry 128; Criminal Bonds in District Court Journal, entry 114. Arr. alph. by name of defendant. No index. Hdw. on pr. hd. Aver. 150 pp. 18 x 11½ x 1½. Cl. cts. vlt.

130. CRIMINAL CALENDAR, 1897-1914. 2 vols. (A, B). Discontinued.
Shows date of term and list of cases to be tried. Arr. chron. by date of term. No index. Hdw. on pr. fm. Aver. 350 pp. 18 x 12 x 2. Cl. cts. vlt.

131. INDICTMENT BOOK, 1876--. 1 vol. Last entry 1891.
Recorded copies of grand jury indictments showing date filed, cause of action, names of witnesses examined, and whether or not sufficient evidence for a court trial is found. Arr. chron. by date entered. No index. Hdw. on pr. fm. 400 pp. 18 x 12 x 2. Cl. cts. vlt.

For subsequent records, see entry 132.

132. INFORMATION RECORD, 1890--. 2 vols.
Recorded copies of informations filed by county attorney in criminal cases showing names of defendant and county attorney, date filed, cause of action, and names of witnesses. Arr. alph. by name of defendant. No index. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 3. Cl. cts. vlt.

For prior records, see entry 131.

133. INDEX TO CRIMINAL BONDS, 1923-34. 1 vol. Discontinued.
Index to Criminal Bonds in District Court Journal, entry 114, showing names of principal and sureties, book and page of court journal where bond is recorded, date bond filed, date released, date of judgment against sureties, and date satisfied. Arr. alph. by names of principal and surety. Hdw. on pr. hd. 350 pp. 18 x 12 x 2. Cl. cts. vlt.

Probate
(See also entry 111)

134. PROBATE PROCEEDINGS, 1898--. 22 vols. (1-22).
Record of wills and testaments probated, testimony of applicants for letters of administrator, and affidavits of sale of property of estates. Arr. chron. by date entered. For index, see entry 136. First 4 vols. hdw.; others typed. Aver. 475 pp. 18 x 12 x 2. Cl. cts. vlt.

135. PROBATE RECORD, 1867--. 4 vols. Title varies: Order Book, Record of Wills; Probate Calendar; Orders of Court.
Guardianship letters, orders for sales of estates, petitions of guardians for settlement of estates and appointing of guardian. Arr. chron. by date entered. For index, see entry 136. Hdw. Aver. 550 pp. 18½ x 11½ x 2. Cl. cts. vlt.

136. PROBATE REGISTERS, 1867--. 3 vols. Title varies: Court Docket; Record of Bonds and Letters Testamentary.
Showing title of probate case, date of instruments filed in probate court records, and book and page where recorded. Also serves as

index to Probate Proceedings, entry 134; Probate Record, entry 135; Files of Probate Cases, entry 137; Wills, Bonds, Exhibits, entry 138. Arr. alph. by title of case. No index. Hdw. on pr. hd. Aver. 485 pp. 18 x 11 x 2. Cl. cts. vlt.

137. FILES OF PROBATE CASES, 1885--. 76 f.d. (labeled by incl. case nos.).
Original instruments filed in probate cases, guardianship, wills and testaments, and estate cases. Arr. num. by case no. For index, see entry 136. Hdw. on pr. fm. 70 f.d., 13½ x 10½ x 4½; 6 f.d., 31 x 16½ x 10 3/4. Cl. cts. vlt.

138. WILLS, BONDS, EXHIBITS, 1891--. 15 f.b. (labeled by incl. inst. nos.).
Original wills, bonds of administrator, and exhibits in probate cases. Arr. num. by reception no. For index, see entry 136. Hdw. on pr. fm. 13½ x 10½ x 4½. Cl. cts. vlt.

For records of wills, see entry 79.

Insanity
(See also entry 111)

139. INSANITY CASES, 1873--. 3 f.b. (labeled by incl. case nos.).
Original instruments pertaining to sanity hearings; contains complaints, summons, subpoenas, affidavits, and commitments showing names of complainant, witnesses, and defendant, case number, date of hearing and date of commitment to hospital for insane. Arr. num. by case no. No index, 1873-95; for index, 1896--, see entry 140. Hdw. on pr. fm. 13 x 10 x 4. Cl. cts. vlt.

140. INDEX OF PERSONS SENT TO INSANE ASYLUMS, 1896--. 1 vol. Index to Insanity Cases, entry 139, showing names of persons committed, their age and sex, proceedings of sanity commission, case number, date committed, and name of hospital committed to. Arr. alph. by name of person committed. Hdw. 500 pp. 18 x 12 x 2. Cl. cts. vlt.

Naturalization
(See also entry 111)

141. NATURALIZATION PROCEEDINGS, 1906-19. 1 vol. Discontinued.
Register of fees collected on naturalization proceedings showing name of petitioner, date, and amount paid. Arr. chron. by date entered. No index. Hdw. on pr. fm. 500 pp. 17 x 11 x 2. Cl. cts. vlt.

For general fee book, see entry 115.

142. DECLARATION OF INTENTION, 1866-1929. 5 vols. (A, B, 1-3). 1930-- in Naturalization Record, entry 147.
Instruments of notices of intention to become citizens by aliens showing name, nationality and race of alien, and date of declaration. Arr. chron. by date of declaration. No index, 1866; for index, 1867-1929, see entry 143. Hdw. on pr. fm. Aver. 300 pp. 18 x 12 x 2½. Cl. cts. vlt.

143. INDEX TO DECLARATION OF INTENTIONS, 1867-1929. 1 vol. Discontinued.
Index to Declaration of Intentions, entry 142, showing name of alien, date of declaration and ruler under which applicant is subject. Arr. alph. by name of applicant. Hdw. on pr. hd. 480 pp. 18 x 12 x 2. Cl. cts. vlt.

144. NATURALIZATION SERVICE, PETITION AND RECORD, 1906-29. 4 vols. (1-4). 1930-- in Naturalization Record, entry 147.
Original petitions for citizenship signed by two witnesses showing date of petition, name of petitioner, date and port of entry into the United States, and nationality. Also contains triplicate Declaration of Intention Certificate, Certificate of Arrival, and Petitions Granted or Denied. Arr. chron. No index. Hdw. on pr. fm. Aver. 150 pp. 14 x 8¼ x 3/4. Cl. cts. vlt.

For prior records of citizenship granted, see entry 145.

145. CERTIFICATE OF NATURALIZATION, 1881-1906. 2 vols. (A, B).
Affidavits of applicant and witnesses, and copies of final certificates showing statement that citizenship has been granted, date granted, name of person to whom it is granted, and certificate number. Arr. alph. by name of applicant. No index. Hdw. Aver. 300 pp. 14 x 8½ x 3/4. Cl. cts. vlt.

For subsequent records, see entries 144, 147.

146. CERTIFICATE OF NATURALIZATION, STUBS, 1902-29. 7 vols. Showing name and address of applicant, and number and date of certificate. Arr. chron. by date issued. No index. Hdw. on pr. fm. Aver. 150 pp. 10 x 5½ x 1. Cl. cts. vlt.

147. NATURALIZATION RECORD, 1930--. 1 f.b.
Complete set of papers filed in naturalization proceedings. Consists of Declaration of Intention, entry 142; Naturalization Service, Petitions and Record, entry 144; Naturalization Papers, 1932--, entry 149. Arr. num. by case no. For index, see entry 148. Typed on pr. fm. 34 x 16 x 12. Cl. cts. vlt.

For prior records of naturalization, see entry 145.

148. NATURALIZATION RECORD INDEX FINAL PAPERS, 1867--. 1 vol.
Shows name and age of applicant, date of application, date of admission, book and page where recorded, certificate number and file

155. INDEX TO MARRIAGE RECORD, WOMEN, 1887--. 1 vol.
Shows license number and date, names of bride and groom, certificate number, date of marriage, and book and page where recorded in Marriage Record, entry 153. Arr. alph. by name of bride. Hdw. on pr. hd. 400 pp. 16 x 10 x 2. Cl. cts. vlt.

Juror and Witness

156. VENIRE FACIAS (Jury Lists), 1896--. 2 f.b.
Certified lists of men eligible for jury duty as chosen by the jury commission. Arr. chron. by years. No index. Hdw. and typed. 10 x 4 x 13. Cl. cts. vlt.

157. JUROR'S AND WITNESS'S TIME BOOK, 1885--. 3 vols.
Title varies: Witness Record, 1885-86, 1 vol.; Jury Record, 1887-1907, 1 vol.
Register of per diem and mileage of jurors and witnesses showing names, date called, number of days served, and amount due. Arr. chron. by date of session. No index. Hdw. Aver. 275 pp. 16 x 11 x 1. Cl. cts. vlt.

158. WARRANTS, 1909--. 4 vols. Title varies: Jurors' and Witnesses' Certificates, 1909-11, 1 vol.
Stubs of certificates issued to jurors and witnesses by clerk showing names of persons serving, dates served, mileage, and total amount paid. Arr. chron. by date served. No index. Hdw. on pr. fm. Aver. 360 pp. 16 x 14 x 2. Cl. cts. vlt.

Miscellaneous

159. MOTHERS' PENSIONS, 1915-33. 1 f.b.
Monthly reports showing date, name of recipient, marital status, number of children under sixteen years of age, list of property, and income, if any. Arr. alph. by name of recipient. No index. Hdw. on pr. fm. 16 x 10 x 31. Cl. cts. vlt.

For subsequent records of mothers' pensions, see entries 1, 265.

160. (REGISTER OF COURT OFFICIALS AND PARTICIPANTS), 1884-85. 1 vol. Discontinued.
Register of names of court officials, attorneys, plaintiffs and defendants, and witnesses in cases heard during the period. Arr. chron. by date entered. No index. Hdw. 240 pp. 12 x 7 x 2. Cl. cts. vlt.

161. MISCELLANEOUS REGISTER, 1920--. 1 vol.
Register of miscellaneous instruments, such as orders fixing term of court and dates of naturalization hearings, changes of venue, dissolution of corporations; and water reports. Arr. alph. by title of inst. No index. Hdw. 300 pp. 14 x 12 x 2. Cl. cts. vlt.

162. STATISTICS, 1922--. 1 f.b.
Statistics relating to number and classification of cases tried. Also contains list of attorneys in good standing before Montana Bar. Arr. chron. by years filed. No index. Hdw. and typed. 10 x 4 x 13. Cl. cts. vlt.

163. CLERK OF DISTRICT COURT TRUST FUNDS, 1909--. 3 vols. (1-3).
Register of trust funds such as alimony payments, estate collections, and water fees. Arr. alph. by name of principal. No index. Hdw. on pr. hd. Aver. 450 pp. 18 x 13 x 2½. Cl. cts. vlt.

164. ATTORNEY'S RECEIPT FOR PAPERS, 1908--. 1 vol. (1).
Register of instruments taken from clerk of court's files by attorneys showing title of instrument, case number, date borrowed, attorney's signature, and date returned. Arr. alph. by title of action. No index. Hdw. 250 pp. 16 x 12 x 2. Cl. cts. vlt.

165. STENOGRAPHER'S NOTES, 1883--. 20 f.b.
Shorthand notes of court stenographers. Arr. alph. by title of case. No index. Hdw. 10 x 4 x 13. Cl. cts. vlt.

166. LETTERS, 1921--. 4 f.b.
Official correspondence of clerk of court. Arr. alph. by subject matter. No index. Hdw. and typed. 12 x 11 x 36. Cl. cts. vlt.

167. MAPS, 1878--. 107 maps.
Maps, tracings, and blue prints used as exhibits and tagged with title and number of case. No orderly arr. No index. Sizes vary. Cl. cts. vlt.

VI. JURY COMMISSION

The legislature in 1867 directed the board of county commissioners to select persons qualified for jury service.[1] This law was in force until 1889 when the district judge was assigned the duty of appointing three qualified persons to sit with the county clerk and probate judge as a jury commission.[2] The Constitution of 1889 continued this provision except to designate the clerk of court to serve in place of the probate judge whose office was abolished.[3] Members of this commission were allowed mileage and one dollar per day.[4] In 1895 the membership of the jury commission was changed to include the chairman of the county commissioners, the county treasurer and the assessor.[5]

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[1] Mont. Ter. S. L., 4th sess., 1867, p. 69, sec. 1.
[2] Ibid., 16th sess., 1889, p. 166, sec. 1.
[3] Const., 1889, art. 20, sec. 1.
[4] Mont. Ter. S. L., 16th sess., 1889, p. 168, sec. 13.
[5] Mont. C. Civ. Proc., 1895, sec. 240; Mont. R. C., 1935, sec. 8896.

The county commissioners in 1867 were directed to select the names of one hundred persons qualified for jury service and to draw the names of eighteen of these persons who were then to be summoned for jury service.[6] They were also to inquire, before each term of court into the need for a grand jury and if needed select persons to serve as jurors.[7] An amendment in 1881 changed the number of persons to be drawn for jury service to thirty. It further specified that the names were to be drawn twenty days before the court term from a list of names prepared from the assessment list.[8] In 1895 the chairman of the board of county commissioners, county treasurer, and assessor were directed to meet on the second Monday of January each year or as soon thereafter as practicable in the county clerk's office to select from the assessment roll a list of the names of all persons qualified to serve as trial jurors. This list must be signed by a majority of the officers and delivered to the clerk of the district court and filed in his office within five days after the meeting.[9] This law has remained in effect to the present time.[10]

VII. PROBATE COURT

Structure

The Organic Act creating the Territory of Montana in 1864, established a judicial system including a probate judge with jurisdiction to be limited by law.[1] In accordance with this act, the first Territorial legislature provided that a probate judge should be elected in each county for a term of two years. Before taking office he should file a bond in "the penal sum of $5,000,"[2] and his compensation should consist of fees collected by his office and additional compensation determined by the county commissioners when the fees did not exceed $500.[3] In 1883 his fees were limited to $2,500 a year.[4] The legislature in 1885 fixed the compensation of county officials in each county, that of the probate judge in Beaverhead County being fixed at $1,200.[5] This was reduced in 1887 to $1,000;[6] it was again reduced in 1889 to $800, but included fees

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[6] Mont. Ter. S. L., 4th sess., 1867, p. 69, sec. 1.
[7] Ibid., 1867, p. 70, sec. 6.
[8] Ibid., 12th sess., 1881, p. 57, secs. 1, 2.
[9] Mont. C. Civ. Proc., 1895, secs. 240, 241, 242.
[10] Mont. R. C., 1935, secs. 8896-98.
[1] Organic Act, op. cit., sec. 9.
[2] Mont. Ter. S. L., 1st sess., 1864-65, p. 506, sec. 1.
[3] Ibid., pp. 473, 474, 506, sec. 2.
[4] Ibid., 13th sess., 1883, p. 98, sec. 2.
[5] Ibid., 14th sess., 1885, pp. 64-67, sec. 5.
[6] Mont. Compiled Stat., 1887, p. 899, sec. 945.

fixed by law for the office in addition to the salary.[7]

In 1869 the judge was authorized to appoint a probate clerk who was required to furnish a bond of $1,000.[8] However, no evidence could be found in the Beaverhead County records to determine whether one had ever been appointed.

Jurisdiction

Probate

The legislature of 1864-65 undertook to define the functions of the probate court and in doing so gave it specific administrative authority as well as judicial determination over probate matters. The probate judge was given power to receive wills; admit estates to probate; appoint administrators and executors of estates, and guardians for minors or other incompetents; direct the sale or lease of estates in probate, or belonging to minors or other incompetents; and in general to administer the business of property under his jurisdiction.[9] He could appoint a public administrator for a two year term to administer estates of strangers, persons dying intestate and without heirs, or in other cases in which proper care of the estate seemed to require it.[10] Appeals could be made in probate, civil, and criminal matters from the probate to the district courts.[11]

During the next few years the jurisdiction of the probate judge was more particularly defined and enlarged. The legislature of 1871-72 defined his powers to include the right to issue and revoke letters of administration, determine bonds of executor, compel executors to settle accounts, order distribution of property of estates and to sell such property, order deeds issued to purchasers, and to settle claims against estates.[12] These duties and jurisdictions were redefined in 1874[13] and again in 1877.[14]

In 1870 the probate judge was empowered to call a jury of three persons, including a doctor, to examine persons believed to be insane.[15] The legislature of 1877 gave the judge specific authority over property of minors and mentally incompetent persons. He could compel the guardian to sell real estate of ward, fix

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[7] Ibid., 16th sess., 1889, pp. 150, 151, sec. 10.
[8] Ibid., 5th sess., 1869, p. 70, secs. 1-4.
[9] Ibid., 1st sess., 1864-65, p. 138, sec. 480.
[10] Ibid., p. 322, sec. 1.
[11] Ibid., 1st sess., 1864-65, p. 100.
[12] Ibid., 7th sess., 1871-72, pp. 317-326, 353, 390.
[13] Ibid., 8th sess., 1874, pp. 36-38.
[14] Ibid., 10th sess., 1877, pp. 243-254, 286-328.
[15] Ibid., 6th sess., 1870, p. 109, sec. 11.

terms of sale, order money in hands of ward to be invested, examine persons suspected of defrauding ward, and remove a guardian and appoint another. Minors over fourteen years of age could name their own guardian, subject to approval of the judge.[16]

Criminal and Civil

The first legislature did not limit the jurisdiction of the probate courts to probate matters. The judge was made "conservator of the peace" throughout the county[17] with power to conduct trials of criminal cases. In 1870 the jurisdiction of the probate court in criminal cases was limited to cases in which the punishment did not exceed a $500 fine or imprisonment for one year.[18] His jurisdiction was later reduced to cases for which the punishment did not exceed six months.[19]

The probate judge was given concurrent jurisdiction with the district courts in civil actions when the amounts involved did not exceed $2,500.[20] To check the tendency of the Territorial law makers to extend the jurisdiction of the probate judges, who were popularly elected, at the expense of the district judges who were appointed by outside authority, Congress in 1867 limited the jurisdiction of probate courts to civil suits in which not more than $500 was involved and to criminal cases that did not require a grand jury.[21] The Territorial legislature promptly enacted similar legislation.[22]

The probate court was also given power to issue writs of *mandamus*, *certiorari*, and *quo warranto*; and in the absence of the district judge, to issue writs of *habeas corpus* and injunctions.[23] To enforce court orders, the judge could punish disobedience by imprisonment and attachments.[24]

From time to time the legislature assigned jurisdiction and powers to the probate judge in addition to those already cited. In 1876 he was given concurrent jurisdiction with the district court in cases arising from violation of fish and game act laws;[25] in 1881 he was empowered to hear cases in which a town attempted to take property under condemnation proceedings or the right of

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[16] *Ibid.*, 10th sess., 1877, pp. 333-342, secs. 364-397.
[17] *Ibid.*, 1st sess., 1864-65, p. 140, sec. 488.
[18] *Ibid.*, 6th sess., 1870, p. 96, sec. 2.
[19] *Ibid.*, 8th sess., 1874, p. 59, sec. 6.
[20] *Ibid.*, 1st sess., 1864-65, p. 139, sec. 482.
[21] Amendment to Organic Act for Territory of Montana, see *Mont. R. C.*, 1935, vol. 1, pp. 56, 57, sec. 2.
[22] *Mont. Ter. S. L.*, 4th sess., 1867, pp. 258, 259.
[23] *Ibid.*, 1st sess., 1864-65, p. 139, sec. 483.
[24] *Ibid.*, 7th sess., 1872, p. 366, sec. 282.
[25] *Ibid.*, 9th sess., 1876, p. 104, sec. 14.

eminent domain;[26] in 1885 he was directed to issue warrants for the arrest of any persons having anything to do with a prize fight;[27] and in 1889 he was given the power to issue warrants to search pawn shops and junk dealers for stolen property.[28]

Administrative Duties

In addition to his functions of jurisprudence, the probate judge was assigned various duties in the administration of county affairs. In 1865 he was given sole power to try cases involving contested elections.[29] Later he was given authority to appoint appraisers on petitions involving the right of eminent domain.[30] In the same year it was made his duty, upon receipt of a petition from the voters of an unincorporated town located on United States land, to make an entry of the petition in the land office and have the town surveyed and platted. Thereafter, he should examine claims and grant deeds to lots within the townsite.[31]

The next session made it his duty to set aside with the advice and consent of the school board, one acre of land for a district school within the townsite of an unincorporated town and to convey the deed to the board; and upon petition of twenty residents to set aside twenty acres for a college or university.[32] If any lots within the townsite were unclaimed, the judge could sell them at public auction.[33] He was granted the power in 1872 to fill vacancies in the county commissioners' office by appointment[34] and in 1874 to fill vacancies in the legislature.[35] His duties were extended in 1877 to include power to appoint jurors to try questions as to whether dams or reservoirs were secure[36] and he was directed to make an annual report of fines collected to the county superintendent of schools.[37] The bounty law of 1879 assigned to the probate judge the duty of examining the scalps of animals for which bounty was claimed and of issuing bounty certificates.[38] In 1889 he was made a member of the jury commission which selected juries for the

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[26] Ibid., 12th sess., 1881, p. 29, secs. 41-44.
[27] Ibid., 14th sess., 1885, pp. 108, 109, sec. 3.
[28] Ibid., 16th sess., 1889, p. 206, sec. 2.
[29] Ibid., 1st sess., 1864-65, p. 384, secs. 38, 39.
[30] Ibid., 4th Ex. S. L., 1867, p. 36, sec. 49.
[31] Ibid., 4th sess., 1867, pp. 60-67, secs. 1-15.
[32] Ibid., 5th sess., 1869, p. 82, sec. 5.
[33] Ibid., 6th sess., 1870, p. 67, sec. 1.
[34] Ibid., 7th sess., 1871-72, p. 568, sec. 1.
[35] Ibid., 8th sess., 1874, pp. 37, 38, secs. 3, 5.
[36] Ibid., 10th sess., 1877, p. 223, sec. 7.
[37] Ibid., p. 630, sec. 45.
[38] Ibid., 11th sess., 1879, pp. 34, 35, sec. 1.

district court.[39] He was also given the power to order the county clerk to correct errors in the publication of lists of candidates.[40]

Records

Probate courts were courts of record,[41] and the law from time to time specified records to be filed or recorded. In counties in which a probate clerk was appointed, these duties were assigned to him; otherwise the probate judge assumed them. The records of Beaverhead County reveal no evidence of a probate clerk. In 1877 the legislature enhanced the official character of the court by requiring it to have a seal[42] and by granting the judge notarial powers.[43]

The legislature of 1864-65 laid the foundation for a record system by directing the judge or his clerk to file and record bonds of administrators and executors,[44] record letters testamentary and of administration,[45] keep a docket of executors and administrators,[46] enter the accounts and settlements of administrators in a register,[47] and keep an abstract of judgments against estates filed with him by other courts and any claims presented to him against such estates.[48]

These requirements were expanded in 1877 to include a register of actions[49] and a record of orders and decrees to be entered in the minute book and signed by the judge.[50] In 1883 he was directed to keep a fee book[51] and a bounty record book.[52] Later he was required to file affidavits accompanying applications for bounty.[53] In 1887 when the duty of issuing marriage licenses was transferred from the county clerk to the probate judge, he was required to keep a record of marriages.[54]

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[39] Ibid., 16th sess., 1889, p. 166, secs. 1, 3.
[40] Ibid., p. 140, sec. 19.
[41] Ibid., 1st sess., 1864-65, p. 134, sec. 449.
[42] Ibid., 10th sess., 1877, p. 174, secs. 510, 511.
[43] Ibid., p. 208, sec. 651.
[44] Ibid., 1st sess., 1864-65, p. 273, sec. 22.
[45] Ibid., p. 273, sec. 26.
[46] Ibid., p. 310, sec. 3.
[47] Ibid., p. 310, sec. 1.
[48] Ibid., p. 308, sec. 26.
[49] Ibid., 10th sess., 1877, p. 176, sec. 517.
[50] Ibid., p. 322, sec. 314.
[51] Ibid., 13th sess., 1883, p. 98, sec. 1.
[52] Ibid., p. 109, sec. 1.
[53] Ibid., 16th sess., 1889, p. 109, sec. 3.
[54] Ibid., 15th sess., 1887, p. 60, sec. 1.

The probate court was not named in the Constitution of 1889. At this time its judicial functions were assigned to the district court, most of the administration duties to the public administrator, and the clerical work to the clerk of the district court to whose office the records were transferred.

VIII. PUBLIC ADMINISTRATOR

Structure

The office of public administrator developed from the probate court, the judge of which was authorized to appoint a public administrator for the county to administer the estates of persons who died intestate or if the executors failed to qualify.[1] The office was made elective in 1883 for a term of two years.[2] The Constitution of 1889 continued the office as it was during the Territorial period.[3] In 1938 the term was extended to four years.[4] The official bond of the public administrator in Beaverhead County is $5,000[5] and must be approved by the judge.[6] His compensation consists of a commission of fifteen percent of total moneys received by him in estates handled.[7] He may be removed from office only by order of the court upon conviction of neglect of duty, or corruption or malfeasance in office.[8]

Duties

The public administrator was at first regarded as an assistant to the probate judge and was required to make a report to him on every estate administered.[9] After making his report to the judge he was required to settle his accounts with the clerk of the court. In 1877 the legislature more carefully defined his duties. It required him to make, every six months, a return to the probate

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1. Mont. Ter. S. L., 1st sess., 1864-65, p. 322, secs. 1, 8.
2. Mont. Ter. S. L., 1883, p. 36.
3. Const., 1889, art. 16, sec. 5.
4. Ibid., as amend. 1938.
5. Mont. S. L., 1921, ch. 229, sec. 4; Mont. R. C., 1935, sec. 466.
6. Mont. S. L., 1899, p. 79, sec. 1; Mont. R. C., 1935, sec. 471.
7. Mont. S. L., 1909, ch. 124, sec. 8; Mont. R. C., 1935, sec. 10017.
8. Mont. Penal C., 1895, secs. 1531, 1545; Mont. R. C., 1935, secs. 11687-11702.
9. Mont. Ter. S. L., 1871-72, p. 370; Mont. Compiled Stat., 1887, p. 358, sec. 336.

court "of all estates which have come into his hands and the condition of same." He was to account with the county clerk "on the first Monday of each month, and he must pay to the county treasurer any money remaining in his hands of an estate unclaimed."[10] The laws relating to the duties of the public administrator have not been materially changed since Montana became a state.[11]

Records

The law requires the public administrator to keep only one record known as the Register of Public Administrator.[12]

168. ADMINISTRATOR'S BOOK, 1911--. 2 vols.
Register of inventory and appraisement of estates of persons dying intestate showing name of deceased, date letters granted, amount of money received, description of property and appraised value, proceeds of sales, costs of administration, fees, net balance, names of heirs, date discharged. Arr. alph. by name of estate. No index. Hdw. on pr. hd. Aver. 450 pp. 16 x 14 x 2. Residence of pub. admin.

IX. JUSTICE OF THE PEACE

The office of justice of the peace was recognized by the Territorial laws of Washington and Idaho and provided for in the Organic Act for the Territory of Montana.[1] The first Territorial legislature directed that the county commissioners "shall . . . proceed to lay off or divide their respective counties into townships"[2] and that each township should elect two justices of the peace.[3] The Constitution of 1889 continued the requirement for two justices of the peace in each township whose jurisdiction extended throughout the county. The justice of the peace is elected for a term of two years.[4] To be eligible for the office a person must be a United States citizen and have resided in the county for a year prior to his election.[5] He may be removed only by a court order after a trial in which he shall be convicted of neglect of duty or

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10. Mont. Ter. S. L., 10th sess., 1877, pp. 328-330, secs. 343-346, 349.
11. Mont. R. C., 1935, secs. 10000, 10003, 10006.
12. Mont. Pol. C., 1895, sec. 4529; Mont. R. C., 1935, sec. 10009.
1. Organic Act, op. cit., sec. 9.
2. Mont. Ter. S. L., 1st sess., 1864-65, p. 522, sec. 4.
3. Ibid., p. 521, sec. 1.
4. Ibid., p. 521, sec. 1; Const., 1889, art. 8, sec. 20.
5. Mont. C. Civ. Proc., 1895, sec. 163; Mont. R. C., 1935, sec. 8865.

corruption in office.[6] His official bond, which must be approved by and filed with the county clerk, is $2,000.[7] In townships of less than 10,000 population his compensation has always been limited to the fees collected.[8] Beaverhead County has four justices; one for each of Lima and Wisdom and two in Dillon townships.

Jurisdiction

The Organic Act which provided for the office of the justice of the peace declared that it should not have jurisdiction of any matter in controversy when the title of land may be in dispute or where the debt or sum claimed should exceed $100.[9]

The first Territorial legislature made the justice of the peace a magistrate to preserve the peace,[10] to issue process upon complaints, and to issue warrants for the arrest of accused persons.[11] Jurisdiction in civil cases was limited to cases not involving the title to real property and in which the amount claimed was less than $100.[12] In 1907 this amount was increased to $300.[13] The justice had also the right to release on bail, persons charged with certain offenses. He was given jurisdiction in criminal cases where the penalty did not exceed a $500 fine or imprisonment for not more than six months.[14] He was to pay all money received for fines to the county treasurer and to deposit the duplicate receipts therefor with the county clerk.[15] He was later recuired to make an annual report to the county superintendent of schools of fines deposited with the treasurer[16] and must make a report to the county commissioners of fees collected.[17] In case there is a vacancy in the office of coroner the justice of the peace may perform

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[6] Mont. Penal C., 1895, secs. 1530, 1545; Mont. R. C., 1935, secs. 11687, 11688, 11702.

[7] Mont. Ter. S. L., 1st sess., 1864-65, p. 151, sec. 549; Mont. S. L., 1921, ch. 35, sec. 1; Mont. R. C., 1935, sec. 8839.

[8] Mont. Ter. S. L., 1st sess., 1864-65, pp. 476, 477; Mont. S. L., 1917, ch. 84, sec. 1; Mont. R. C., 1935, sec. 4929. For scale of fees, see secs. 4924, 4926-28 Mont. R. C., 1935.

[9] Organic Act of the Territory of Montana, op. cit., sec. 9.

[10] Mont. Ter. S. L., 1st sess., 1864-65, p. 218, sec. 1.

[11] Ibid., p. 222, secs. 24, 25.

[12] Ibid., p. 150, sec. 546; Const., 1889, art. 8, sec. 21.

[13] Mont. S. L., 1907, ch. 76, sec. 1; Mont. R. C., 1935, sec. 8840.

[14] Mont. Ter. S. L., 1st sess., 1864-65, pp. 263, 264, secs. 307, 312; Mont. R. C., 1935, sec. 8842.

[15] Mont. Ter. S. L., 1st sess., 1864-65, p. 267, sec. 336.

[16] Mont. Compiled Stat., 1887, p. 1188, sec. 1903; Mont. R. C., 1935, sec. 1217.

[17] Mont. S. L., 1891, pp. 232, 233; Mont. R. C., 1935, sec. 4745.

the duties of that office.[18]

Records of Office

The first legislature of the Territorial period made provision for the keeping of a Docket Book, which was to be turned over by the retiring justice to his successor, or in case there was no successor it was to be deposited with the clerk of court.[19] In 1895, the law was changed to provide that the justice of the peace should leave his Docket Book with the county clerk.[20] These requirements for keeping records remain the law today.[21]

169. (JUSTICE FILES), 1908--. 4 f.b.
Original instruments in justice court actions of complaints, warrants, summons, subpoenas, and judgments showing case number, date and nature of action, names of plaintiff and defendant, date served, date returned, and date of trial. Arr. num. by case no. No index. Hdw. 10 x 4 x 13. Shrf. vlt.

For other records of civil cases, see entries 118-127, 173; criminal cases, entries 128-133, 179, 180.

170. JUSTICE DOCKET, 1909--. 4 vols.
Proceedings of justice court showing names of plaintiff, defendants, and attorneys; date of case, nature and disposition of case. Arr. alph. by name of defendant. No index. Hdw. on pr. hd. Aver. 500 pp. 18 x 11 x 2. Residence of incumbent. Louis Stahl, 21 N. Dakota Street.

X. CONSTABLE

The first legislature of Montana Territory directed that there should be elected in each township two constables, whose term of office should be two years.[1] The Constitution of 1889 merely referred to the office,[2] but made no provisions for its organization and it continued as under Territorial law.[3] The term remains at two years and the constable's bond is $2,000.[4] For townships with less than 12,000 the constable receives his only

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18. Mont. Pol. C., 1895, sec. 4494; Mont. R. C., 1935, sec. 4852.
19. Mont. S. L., 1st sess., 1864-65, pp. 166, 167.
20. Mont. Pol. C., 1895, p. 880.
21. Mont. R. C., 1935, secs. 9703-7.
1. Mont. S. L., 1st sess., 1864-65, pp. 521, 522, sec. 1.
2. Const., 1889, art. 5, sec. 26, Ordinance 2, sec. 9.
3. Ibid., art. 20, sec. 17.
4. Mont. Ter. S. L., 1st sess., 1864-65, p. 522, secs. 1, 3; Mont. S. L., 1901, p. 90, sec. 2; Mont. R. C., 1935, sec. 4860.

pay from fees which are limited to $500.[5] Lima township has the only constable in Beaverhead County.

Under the law from the beginning of the Territory, the constable acts primarily as an officer of the justice court, in which he performs duties similar to those of the sheriff in the district court. He is authorized and directed to serve summons and writs of attachment,[6] to levy executions,[7] and to execute warrants for arrest.[8]

No records are required to be kept by this office.

XI. SHERIFF

Structure

The office of sheriff was provided for by the Territorial laws of Washington when Missoula County was organized in 1860.[1] In 1863 the legislature of Idaho provided for a sheriff in Deer Lodge and Missoula Counties.[2] The first Territorial legislature of Montana provided that a sheriff should be elected for a two year term.[3] The Constitution of 1889 continued this provision.[4] In 1938 the term was extended to four years by a constitutional amendment.[5] Qualifications for the office of sheriff include an age of twenty-one years, citizenship in the State and the right to vote in the county from which elected.[6] The sheriff may be removed from office by district court action for misconduct or malfeasance in office.[7] In case of vacancy in the office the undersheriff acts as sheriff until the position can be filled by appointment by the commissioners[8] or by election.

The first Territorial legislature left the sheriff's bond to be fixed between $5,000 and $50,000 by the probate judge and county clerk. It is now $6,000 in Beaverhead County under its present

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5. Mont. Ter. S. L., 1st sess., 1864-65, pp. 472, 478; Mont. S. L., 1935, ch. 152, sec. 1; Mont. R. C., 1935, sec. 4932.
6. Mont. Ter. S. L., 1st sess., 1864-65, p. 155, secs. 570, 571.
7. Ibid., p. 165, secs. 616, 617.
8. Ibid., p. 263, sec. 309.
1. Washington Ter. S. L., 1860, p. 437.
2. Idaho Ter. S. L., 1st sess., 1863-64, pp. 471-676.
3. Mont. Ter. S. L., 1st sess., 1864-65, p. 509, sec. 1.
4. Const., 1889, art. 16, sec. 5.
5. Ibid., as amend. 1938.
6. Mont. Pol. C., 1895, sec. 4310; Mont. R. C., 1935, sec. 4723.
7. Mont. Penal C., 1895, sec. 1530; Mont. R. C., 1935, sec. 11687.
8. Mont. Pol. C., 1895, sec. 4383; Mont. R. C., 1935, sec. 4776.

classification and the bond schedule established in 1921.[9] The sheriff's only compensation during the early Territorial period consisted of fees fixed by law for his office.[10] In 1885 the sheriff's salary in Beaverhead County was fixed at $1,800.[11] In 1887 the sheriff was again allowed the fees collected by his office, but the fixed salary was reduced to $500 per year.[12] When Montana became a state the counties were classified according to assessed valuation and the salary of the sheriff in third class counties was fixed at $2,700.[13] Under the salary schedule and classification of the county existing in 1940, the sheriff receives a salary of $2,000 with liberal allowance for travel.[14] The sheriff is allowed an undersheriff and one deputy[15] at minimum salaries of $1,800 and $1,650 respectively,[16] and as many additional deputies as the commissioners will allow.[17]

Duties and Powers

The duties of the sheriff were to preserve the peace and to serve "processes, writs, precepts, and orders issued or made by lawful authority." He was to have custody of jails and prisoners and to officiate at executions.[18] In case of disability of the sheriff, the coroner was to act in his place.[19] When neither the sheriff or coroner are qualified to act the court may designate an elisor to serve its process or orders.[20] In 1867 his duties were described in greater detail, particularly as to serving summons, making arrests, taking property in replevin, executing attachments, conducting sheriff's sales, and handling juries.[21]

Under the Constitution the sheriff's duties continued until changed by law.[22] The legislature of 1895 redefined his duties

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[9] Mont. Ter. S. L., 1st sess., 1864-65, p. 509, sec. 1; Mont. S. L., 1921, ch. 229, secs. 3, 4; Mont. R. C., 1935, sec. 466.
[10] Mont. Ter. S. L., 1st sess., 1864-65, p. 472.
[11] Ibid., 14th sess., 1885, pp. 64-67, sec. 5.
[12] Mont. Compiled Stat., 1887, p. 904, sec. 956.
[13] Mont. S. L., 1891, p. 237, sec. 3.
[14] Ibid., 1921, ch. 151, sec. 1; Mont. R. C., 1935, sec. 4867.
[15] Mont. S. L., 1909, ch. 93, sec. 2; Mont. R. C., 1935, sec. 4875.
[16] Mont. S. L., 1919, ch. 222, sec. 1; Mont. R. C., 1935, sec. 4873.
[17] Mont. S. L., 1923, ch. 82, sec. 1; Mont. R. C., 1935, sec. 4874.
[18] Mont. Ter. S. L., 1st sess., 1864-65, p. 511, secs. 6-8, 10; p. 250, secs. 219, 222; Mont. R. C., 1935, secs. 4774, 12103.
[19] Mont. Ter. S. L., 1st sess., 1864-65, p. 512, secs. 2, 3; Mont. R. C., 1935, sec. 4853.
[20] Mont. Pol. C., 1895, sec. 4400; Mont. R. C., 1935, sec. 4793.
[21] Ibid., 1867, 4th sess., pp. 28, 77, 78, 95-100, 125, 130-137, 159, 160, 218-223, 459-460.
[22] Const., 1889, art. 20, sec. 1.

much as they had been under Territorial law.[23]

In addition to his general duties in connection with law enforcement, the sheriff has been assigned miscellaneous specific duties. He is designated as ex-officio game warden,[24] fire warden for protection of forests,[25] and auctioneer for cities or towns not having a regular auctioneer.[26] He must examine skins presented for bounty and issue bounty certificates to the claimant, a duplicate of which must be delivered to the county clerk.[27] The sheriff may be required to act as beef inspector whose duties it is to inspect hides of animals slaughtered by butchers and meat peddlers, to stamp the hides, and deliver inspection certificates with bills of sale attached to the State Livestock Commission and county clerk.[28] The sheriff as humane officer may kill a diseased or disabled animal abandoned on a highway or public place and charge the cost of disposal of the carcass to the owner.[29] He must be allowed access by the proprietor of a hotel, restaurant, or boarding house to ascertain the quality and brands of goods used for purposes of enforcing the pure foods act.[30] The county commissioners may direct the sheriff or his deputies to attend their meetings to preserve order and to serve notices.[31] The sheriff must act as court crier to call parties and witnesses before the court and to proclaim the opening and adjournment thereof.[32]

Records

The law makes no requirement for keeping records of this office. The "process" which includes "writs, warrants, summons, and orders of courts and notices," and all other papers and orders of the court must be endorsed by the sheriff but are returned to the clerk of the court or to other officials for filing.[33] His records are for convenience of his own office.

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[23] Mont. Pol. C., 1895, sec. 4381; Mont. R. C., 1935, sec. 4774.

[24] Mont. S. L., 1921, ch. 193, sec. 14; Mont. R. C., 1935, sec. 3663.

[25] Mont. S. L., 1909, ch. 147, sec. 11; Mont. R. C., 1935, sec. 1833.

[26] Mont. Pol. C., 1895, sec. 3407; Mont. R. C., 1935, sec. 4149.

[27] Mont. S. L., 1925, ch. 109, sec. 4; Mont. R. C., 1935, sec. 3417.6.

[28] Mont. S. L., 1927, ch. 121, secs. 2-4; Ibid., 1931, ch. 172, sec. 3; Mont. R. C., 1935, sec. 3298.18.

[29] Mont. Penal C., 1895, sec. 1091; Mont. R. C., 1935, sec. 11509.

[30] Mont. S. L., 1907, ch. 169, sec. 3; Mont. R. C., 1935, sec. 11247.

[31] Mont. Pol. C., 1895, sec. 4232; Mont. R. C., 1935, sec. 4469.

[32] Mont. Pol. C., 1895, sec. 4397; Mont. R. C., 1935, sec. 4790.

[33] Mont. Pol. C., 1895, sec. 4381; Mont. S. L., 1925, ch. 157, sec. 1; Mont. R. C., 1935, sec. 4774.

Civil

171. SHERIFF'S RECEPTION BOOK, 1913--. 6 vols.
A register of orders of sale, summons of jurors, service of writs, foreclosures, executions, liens, order to show cause, citation, petitions, subpoenas of witnesses, judgments, decrees and notices showing names of plaintiff and defendant, date, nature of instrument and date served. Arr. alph. by names of plaintiffs. No index. Hdw. on pr. hd. Aver. 500 pp. 16½ x 12½ x 2. Shrf. vlt.

172. SHERIFF'S FEES AND COSTS, 1898--. 5 vols. Title varies:
Sheriff's Case Record, 1910-13, 1 vol.
A register of sheriff's fees for serving papers showing title of instrument, date served, and fee. Arr. alph. by name of defendant. No index. Hdw. on pr. hd. Aver. 488 pp. 16 x 11 x 2. Shrf. vlt.

173. CIVIL CASES, 1937--. 25 f.b.
Original and duplicate instruments filed for service in civil cases and later returned to court and person for whom served showing number and title of case, date of reception, date of sheriff's return, and fees. Arr. num. by case no. No index. Hdw. on pr. fm. 12 x 11 3/4 x 5. Shrf. vlt.

For other records of civil cases, see entries 120, 169, 170.

174. SHERIFF'S CIVIL DOCKET, 1885--. 1 vol.
A register showing number and title of case, name of officer, date instrument received, and date of service. Arr. num. by number of case. No index. Hdw. on pr. hd. 295 pp. 15 x 11½ x 2½. Shrf. vlt.

175. CERTIFICATES OF SALES, 1935--. 1 f.b.
Copies of certificates of sheriff's sales of miscellaneous property showing date of sale, amount received from sale, name of owner, name of purchaser, description of property and costs of sale. Arr. chron. by date of sale. No index. Hdw. on pr. fm. 11½ x 10 x 4 3/4. Shrf. vlt.

For other records of sheriff's sales, see entries 46, 82, 126, 127.

176. RETURN ON LIENS AND WRITS AND SEIZURES, 1935--. 3 f.b.
Instruments show date of service, names of plaintiff and defendant, inventory of property seized, and date filed. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11½ x 10 x 4 3/4. Shrf. vlt.

177. FIREARM REGISTRATIONS, 1927--. 1 f.b.
Original registration of firearms giving serial number, make, caliber and owner of gun. Arr. alph. by names of owners. No index. Hdw. on pr. fm. 16½ x 6 x 4½. Shrf. vlt.

178. THIRD PARTY CLAIMS, 1927--. 1 f.b.
Statements of ownership of attached property by third parties showing description of property and names of parties. Arr. chron. by date filed. No index. Hdw. and typed. 11½ x 10 x 4 3/4. Shrf. vlt.

Criminal
(See also entries 128-133, 169, 170)

179. CRIMINAL CASES, 1937--. 2 f.b.
Original and duplicate instruments filed for service in criminal cases and served by sheriff in cases of misdemeanors, liquor law violations, traffic violations, disturbance of the peace, assault, and other criminal matters, and later returned to court. Arr. chron. No index. Hdw. on pr. fm. 11 3/4 x 5 x 12. Shrf. vlt.

180. CRIMINAL CASES, 1913--. 2 vols.
A register showing returns of search for stolen property, warrants for arrest served, date of apprehension of prisoners, mileage on travel and miscellaneous investigations. Arr. chron. by date entered. No index. Hdw. Aver. 300 pp. 20 x 14 x 1½. Shrf. vlt.

181. CRIMINAL RECORD, 1909--. 1 vol.
Photographs of convicts, accompanied by information giving name and description, nature of offense, date of arrest, and name of arresting officer. Arr. alph. by name of prisoner. No index. Hdw. 500 pp. 15½ x 13½ x 2 3/4. Shrf. vlt.

182. CLASSIFICATION OF CRIMINALS, 1911--. 5 f.d.
Fingerprints and descriptions of persons held showing real name, aliases, date and type of offense, and other information. Arr. alph. by names of persons. No index. Hdw. 13½ x 11 3/4 x 25. Shrf. vlt.

183. MITTIMUS COMMITMENTS, 1925--. 1 f.b.
Warrants showing name of prisoner, date of sentence, and date of commitment to jail, prison, or county poor farm. Arr. chron. by date filed. No index. Hdw. on pr. fm. 11½ x 10 x 4 3/4. Shrf. vlt.

184. JAIL RECORD, 1888--. 3 vols.
Shows name of prisoner, nature of offense and sentence, behavior, date of commitment and date of release. Arr. alph. by name of prisoner. No index. Hdw. Aver. 485 pp. 15½ x 11 x 2½. Shrf. vlt.

185. CONVICTS AND EX-CONVICTS COMMITTED TO STATE PENITENTIARY, n. d. 90 photographs in 1 f.d.
Photographs of persons who have been committed to state penitentiary. Arr. alph. by name of convict. 13½ x 11 x 25. Shrf. vlt.

186. MISCELLANEOUS CASES, 1914--. 1 f.d.
Posters, sworn affidavits, and descriptions of suspected criminals. Arr. alph. by names of suspects. No index. Hdw. on pr. fm. 13½ x 11 3/4 x 25. Shrf. vlt.

187. AUTOMOBILES, 1930--. 1 f.d.
Reports on investigation of stolen automobiles showing name of owner, and description of car. Arr. alph. by names of owners. No index. Hdw. 12 x 10½ x 4. Shrf. vlt.

188. STOLEN PROPERTY, 1927--. 1 f.b.
Reports of investigations of stolen property showing description of property, results of investigation, and name of owner. Arr. alph. by name of owner. No index. Hdw. on pr. fm. 11½ x 10 x 4 3/4. Shrf. vlt.

Miscellaneous

189. JAIL TIME BOOK, BOARDERS, 1897--. 2 vols.
A register showing names of prisoner or witness, date of commitment, total days served, per diem charge for board and total amount. Arr. alph. by name of prisoner. No index. Hdw. on pr. hd. Aver. 350 pp. 14 x 9½ x 2. Shrf. vlt.

190. RECORD OF CLAIMS PRESENTED TO COUNTY COMMISSIONERS, 1884--. 1 vol.
A register showing claim number and name of claimant, date, amount, and purpose of claim. Arr. num. by claim no. No index. Hdw. on pr. fm. 250 pp. 18 x 12½ x 2. Shrf. vlt.

For original claims, see entry 15.

191. RECEIPTS, 1930--. 1 f.b.
Acknowledgments of paid bills for supplies showing name of creditor and amount of bill. Arr. alph. by name of creditor. No index. Hdw. on pr. fm. 11½ x 10 x 4 3/4. Shrf. vlt.

192. BRANDS, 1895--. 1 f.b.
Card records of brands for livestock showing kind of brand and name of present owner. Arr. alph. by brand owner. No index. Hdw. on pr. fm. 16½ x 5 x 4½. Shrf. vlt.

193. LETTERS, 1919--. 11 f.b.
General correspondence pertaining to business of sheriff's office. Arr. alph. by subject matter. No index. Hdw. and typed. 12 x 11½ x 3. Shrf. vlt.

XII. CORONER

Structure

The office of coroner, when first established in Montana by the Territorial legislature of 1865 was made elective for a term of two years.[1] The Constitution of 1889 continued this provision.[2] By a constitutional amendment approved in 1938 the term

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[1] Mont. Ter. S. L., 1st sess., 1864-65, p. 512, sec. 1.
[2] Const., 1889, art. 16, sec. 5.

188. STOLEN PROPERTY, 1929--. 1 f.b.
Reports of investigations of stolen property showing description of property, results of investigation, and name of owner. Arr. alph. by name of owner. No index. Typ. on pr. fm. 11½ x 10 x 1 3/4. Shrf. vlt.

Miscellaneous

189. JAIL TIME BOOK, PRISONERS, 1889--. 7 vols.
A register showing names of prisoners or witness, date of commitment, total days served, expense charge for board and total amount. Arr. alph. by name of prisoner. No index. Hdw. on pr. hd. Avg. 300 pp. 14 x 9½ x 2. Shrf. vlt.

190. RECORD OF CLAIMS PRESENTED TO COUNTY COMMISSIONERS, 1934--. 2 vols.
A register showing claim number and name of claimant, date, amount, and purpose of claim. Arr. num. by claim no. No index. Hdw. on pr. fm. 350 pp. 18 x 12½ x 2. Shrf. vlt.
For original claims, see entry 14.

191. RECEIPTS, 1931--. 1 f.b.
Acknowledgments of paid bills for supplies showing name of creditor and amount of bill. Arr. alph. by name of creditor. No index. Hdw. on pr. fm. 11½ x 10 x 4 3/4. Shrf. vlt.

192. BRANDS, 1925--. 1 f.b.
Card records of brands for livestock showing kind of brand and name of present owner. Arr. alph. by brand owner. No index. Hdw. on pr. fm. 10½ x 5 x 8½. Shrf. vlt.

193. LETTERS, 1914--. 12 f.b.
General correspondence pertaining to business of sheriff's office. Arr. alph. by subject matter. No index. Hdw. and typed. 12 x 11½ x 4. Shrf. vlt.

XVI. CORONER

Structure

The office of coroner, when first authorized in Colorado by the Territorial legislature of 1861, was made elective for a term of two years.[1] The Constitution of 1876 continued this provision,[2] by a constitutional amendment adopted in 1902 the term was extended to four years.[3]

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[1] Colo. Terr. S. L., 1st sess., 1861, p. 96, sec. 1.
[2] Const., 1876, Art. 14, sec. 8.

The coroner was originally required to give a bond between $500 and $5,000 as fixed and approved by the county treasurer.[4] In counties of the seventh class his official bond is now $2,000[5] and must be approved by the district judge.[6] The first legislature allowed the coroner ten dollars for each inquest with allowance for travel and the same fees as allowed the sheriff when acting in his capacity.[7] In 1895 the coroner's fees were reduced to five dollars per day for inquests plus mileage and fees for summoning jurors, subpoenaing witnesses, and filing papers.[8] In 1933 the amount of fees to be retained by the coroner was limited to $2,100 per year.[9] In the absence of the coroner the justice of the peace may act in his place.[10]

Duties and Powers

The coroner has always been authorized to act as sheriff when that office is vacant or when the sheriff is in any way unable to act.[11] He is also to "hold inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means, or the cause of whose death is unknown."[12] For this purpose he can summon a jury and subpoena witnesses. In 1872 the coroner was given the right to issue warrants for the arrest of persons charged with crime by the inquest jury.[13] Reports of the inquest and arrest are returned to the clerk of the district court.[14]

The Constitution of 1889 left the coroner's duties as they had been during the Territorial period.[15] In 1895 the law defined his duties as they had been defined during the Territorial period. At the same time the coroner was required to keep a Coroner's

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3. Ibid., as amend. 1938.
4. Mont. Ter. S. L., 1st sess., 1864-65, p. 512, sec. 1.
5. Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, sec. 466.
6. Mont. S. L., 1899, p. 79, sec. 1; Mont. R. C., 1935, sec. 471.
7. Mont. Ter. S. L., 1st sess., 1864-65, p. 478.
8. Mont. Pol. C., 1895, sec. 4640.
9. Mont. S. L., 1933, ch. 59, sec. 1; Mont. R. C., 1935, sec. 4922.
10. Mont. Pol. C., 1895, sec. 4494; Mont. R. C., 1935, sec. 4852.
11. Mont. Ter. S. L., 1864-65, p. 513, sec. 3; Mont. R. C., 1935, sec. 4792.
12. Ibid., p. 513, sec. 5; Mont. R. C., 1935, sec. 4888.
13. Ibid., 7th sess., 1871-72, p. 499; Mont. R. C., 1935, sec. 12388.
14. Mont. Ter. S. L., 7th sess., 1871-72, p. 499; Mont. R. C., 1935, sec. 12386.
15. Const., 1889, art. 20, sec. 17.

Register. This law has remained in force since that date.[16]

194. CORONER'S REGISTER, 1889--. 4 vols.
Showing names of deceased, amount and disposition of personal effects of deceased, date and cause of death, jurors' and witnesses' names, and verdict. Arr. alph. by name of deceased. No index. Hdw. on pr. hd. Aver. 500 pp. 15 x 12 x 2. 3 vols., 1889-1925, cl. cts. vlt.; 1 vol., 1926--, in J. E. Phillips' off., Andrus Hotel.

195. CORONER'S PAPERS, 1896--. 5 f.b.
Documents pertaining to coroner's inquests and verdicts, including transcripts of testimony, subpoenas for witnesses and summons of jurors. Arr. chron. by date filed. No index. Hdw. and typed. 13½ x 10½ x 4½. Cl. cts. vlt.

XIII. COUNTY ATTORNEY

Structure

The Organic Act for the organization of Montana Territory directed the legislature to divide the Territory into three judicial districts, in each of which should be a court.[1] In organizing these courts the first legislature directed that there should be a district attorney for each to be elected for a term of two years.[2] In 1872 the work of the district attorney had become so heavy that the legislature authorized him to appoint a deputy for each county.[3] This law continued until 1885 when the legislature abolished the district attorney office and set up the office of county attorney which was made elective with a term of two years.[4] The Constitution continued the office[5] and provided that the county attorney be a citizen of the United States and a resident of the State at least one year before his accession to office.[6] By an amendment adopted in 1914 women were made eligible to hold office the same as men.[7] The county attorney must be at least twenty-one years of age and "shall have been admitted to practice law in the Supreme Court of Montana."[8] He may be removed from office only upon conviction

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[16] Mont. Pol. C., 1895, pp. 393, 1206; Mont. R. C., 1935, sec. 4854.

[1] United States 37th Congress, 2nd sess., Statutes at Large, vol. 13, ch. 500, p. 89.

[2] Mont. Ter. S. L., 1864-65, p. 352, sec. 1.

[3] Ibid., 7th sess., 1871-72, p. 379.

[4] Mont. Ter. S. L., 14th sess., 1885, ch. 44, p. 59.

[5] Const., 1889, art. 8, sec. 19.

[6] Ibid., art. 9, sec. 7.

[7] Ibid., art. 9, sec. 11 as amend. 1914.

[8] Ibid., art. 8, secs. 16, 19.

in court of neglect of duty or malfeasance in office.[9]

When the office of county attorney was established in 1885, the official bond was fixed at $2,500.[10] The amount of the bond in seventh class counties is now $1,000[11] and must be approved by the district judge.[12] The annual salary of the county attorney in 1885 was $400 plus fees allowed by the county commissioners.[13] The salary paid the county attorney in 1895 was $1,200[14] but in a new salary scale established in 1921 it was increased to $1,500.[15]

The county attorney is designated by the law as a State officer and half his salary is paid by the State.[16] He is under the supervision of the Attorney General and must obey his instructions in performing the duties of his office and may be assisted by him.[17]

Duties and Records

The first Territorial legislature provided that the district attorney should be "public prosecutor," give legal opinions, and perform all legal services "to the county or township officers."[18] The county attorney as the successor of the district attorney performs much the same type of duties. He is still prosecutor for the enforcement of State law and legal advisor for county and township officials.[19] More specifically he must represent the State or his county in all matters in which either is a party, institute proceedings against anyone of whom there is a reasonable suspicion of public offense, and prepare all indictments and information.[20]

The county attorney must make quarterly settlement with the clerk of the board of county commissioners showing all transactions of his office and all fees received and pay to the treasurer all

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[9] Mont. Penal C., 1895, secs. 1531, 1545; Mont. R. C., 1935, secs. 11687, 11688, 11702.

[10] Mont. Ter. S. L., 14th sess., 1885, p. 59, sec. 2.

[11] Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, sec. 466.

[12] Mont. S. L., 1899, p. 79, sec. 1; Mont. R. C., 1935, sec. 471.

[13] Mont. Ter. S. L., 1885, p. 60, secs. 4, 5.

[14] Mont. Pol. C., 1895, sec. 4594.

[15] Mont. S. L., 1921, ch. 151, sec. 9; Mont. R. C., 1935, sec. 4867.

[16] Const., 1889, art. 8, sec. 19; Mont. S. L., 1891, p. 134.

[17] Mont. Pol. C., 1895, sec. 4450, State ex rel. Nolan vs. District Court, 22 Mont. 25, 30; 55 Pac. 916.

[18] Mont. Ter. S. L., 1864-65, pp. 352, 353, secs. 3, 4.

[19] Mont. S. L., 1891, p. 134; Mont. R. C., 1935, sec. 4819.

[20] Mont. Pol. C., 1895, sec. 4450; Mont. R. C., 1935, sec. 4819.

such fees. He must give receipts for all money collected and file duplicates with the county treasurer. He must "keep a record of all official business in which must be entered a note of every action, whether civil or criminal, . . . and of the proceedings therein."[21] The other records of the attorney's office are dictated by custom and convenience. In Beaverhead County the county attorney keeps no record.

XIV. COUNTY ASSESSOR

Structure

Qualifications and Term

The Territorial legislature of 1865 provided for a county assessor to be elected for a term of one year. In order to qualify for the office he was required to be an elector of the county and to give a bond for $2,000. If the commissioners thought it necessary they could authorize the assessor to appoint one or more deputies to be paid twelve dollars per day, the same compensation as paid the assessor, for each day of actual service.[1] In 1870 the bond was increased to $5,000[2] but was reduced again to $2,000 in 1876 and the term extended to two years.[3] In 1877 the assessor was made ineligible for reelection[4] but in 1887 this law was modified by limiting him to five consecutive terms.[5] However, the Constitution while limiting consecutive terms of the treasurer placed no such limitation on the assessor. It established his term of office at two years[6] which remained unchanged until extended to four years by an amendment approved in 1938.[6a]

The qualification as established by the Constitution and the legislature of 1895 consists of a minimum age of twenty-one years, citizenship of the State, and the status of elector in the county in which elected.[7] The amount of bond required for the office of assessor was fixed in 1895 for each class of counties and in Beaverhead County has varied according to the class of the county and also according to subsequent legislative enactments. The most recent law

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[21] Mont. Pol. C., 1895, sec. 4450; Mont. R. C., 1935, sec. 4819.
[1] Mont. Ter. S. L., 1st sess., 1864-65, p. 520, secs. 1-3.
[2] Ibid., 1870, p. 68, sec. 1.
[3] Ibid., 1876, pp. 92, 93, secs. 1, 2.
[4] Ibid., 1877, p. 38, secs. 1-3.
[5] Ibid., Ex. Sess., 1887, p. 57, sec. 1.
[6] Const., 1889, art. 16, sec. 5.
[6a] Ibid., as amend. 1938.
[7] Const., 1889, art. 9, secs. 2, 7, 11; Mont. Pol. C., 1895, sec. 4310; Mont. R. C., 1935, sec. 4723.

in 1921 fixed the bond for seventh class counties at $4,000.[8] The bond must be approved by the district judge.[9]

Compensation

The first Territorial legislature allowed the assessor per diem, but in 1872 his compensation was placed on a fee basis.[10] In 1879 this fee was fixed at one mill per dollar of assessed valuation of property in the county.[11] In 1889 this was reduced to one quarter of a mill per dollar but with an additional annual salary of $1,000.[12] In 1895 a scale of salaries for county officers was established, based on the class of the county. In 1921 the present salaries were fixed and the assessor in Beaverhead County, a county of the seventh class, receives $1,500 per year.[13] He is allowed one deputy by law for the months of March, April, May, June and July at $100 per month[14] and as many additional deputies as the commissioners will allow and at salaries determined by them.[15]

Removal

The assessor is subject to removal from office after being convicted in a jury trial for misconduct or malfeasance in office.[16] Vacancies must be filled by appointment by the board of commissioners until the next election.

Duties

Assessments

The primary function of the assessor has, from the beginning of Montana Territory, been to secure lists of all property within the county and to assess its value.[17] A law passed in 1891 stated that the property must be assessed at its full cash value,[18] but in

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8. Mont. Pol. C., 1895, sec. 4333; Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, sec. 466.
9. Mont. Pol. C., 1895, sec. 1053; Mont. R. C., 1935, sec. 471.
10. Mont. Ter. S. L., 1872, p. 607, sec. 19.
11. Ibid., 1879, p. 32, sec. 1.
12. Ibid., 1889, p. 152, sec. 14.
13. Mont. S. L., 1921, ch. 151, sec. 1; Mont. R. C., 1935, sec. 4867.
14. Mont. S. L., 1939, ch. 97, sec. 1.
15. Mont. Pol. C., 1895, sec. 4012; Mont. S. L., 1923, ch. 82, sec. 1; Mont. R. C., 1935, secs. 2037, 4874, 4878.
16. Mont. Pol. C., 1895, secs. 1530, 1540; Mont. R. C., 1935, secs. 11687, 11697.
17. Mont. Ter. S. L., 1st sess., 1864-65, pp. 416, 418, secs. 16, 23, 24.
18. Mont. S. L., 1891, p. 75, sec. 5.

practice this was not done until 1919 when a law was passed classifying property for tax purposes. According to this law property must be assessed at its full value but taxed only on a percentage thereof.[19] The assessor may fill out tax statements himself or require the property owner to do so.[20]

The duties of the assessor as defined during the Territorial period have not changed much during the period of Statehood. However, the laws have been supplemented or changed to conform to new requirements. The assessor was required in 1865 to secure from mine operators a statement of the gross yields of mines and a true account of expenditures.[21] A tax must then be levied on the net proceeds.[22] This proved to be a difficult task for the assessor, and in 1921, these duties were transferred to the State Board of Equalization. Mining claims are assessed at the price paid to the United States therefor, and machinery and surface ground used for other than mining purposes are assessed separately.[23] Capital stocks and franchises of corporations must be listed and taxed in the county where the principal office is located.[24] Public utilities that do not operate in more than one county are assessed by the assessor.[25] In 1887 a law was passed providing a system for taxation of banks. Bank officials were required to report the amount of capital stock, money held in the surplus fund, and the amount of investments in real estate. The latter was taxed as other real estate. The amount of capital stock and money held in the surplus fund, less the amount of investment in real estate, formed the basis for valuation of bank stock.[26] Lands are classified by the commissioners according to the purpose for which used, with a scale of values for each class. The assessor must assess lands according to this classification.[27]

Assessment Roll

The assessor must prepare an assessment roll before the second Monday in July. When finished the roll must be delivered to

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[19] Mont. S. L., 1919, ch. 51; Mont. R. C., 1935, secs. 2000, 2001.1.

[20] Mont. S. L., 1891, p. 80, sec. 15; Mont. R. C., 1935, sec. 2005.

[21] Mont. Ter. S. L., 1865, p. 428, sec. 57.

[22] Ibid., p. 428, sec. 59.

[23] Mont. S. L., 1921, ch. 237, sec. 2; Ibid., 1935, ch. 188, secs. 2, 3; Mont. R. C., 1935, secs. 2090.3.

[24] Mont. Pol. C., 1895, sec. 3713; Mont. R. C., 1935, sec. 2015.

[25] Mont. S. L., 1891, p. 76, sec. 11; p. 83, secs. 25-30; Mont. R. C., 1935, secs. 2016-22.

[26] Mont. Ter. S. L., 1887, pp. 86, 87, sec. 12; Mont. S. L., 1921, ch. 81, sec. 4; Ibid., 1927, ch. 64, sec. 1; Mont. R. C., 1935, secs. 1999, 2067; State vs. Mady 83 Mont. 418; 272 Pac. 691.

[27] Mont. S. L., 1919, ch. 89, secs. 1-8; Mont. R. C., 1935, sec. 2030.

the county clerk together with a statement showing the assessed valuation of property in each school district.[28]

Personal Property

The mobility of personal property has always presented a special problem in assessment and tax collection. To prevent tax evasion the law requires that the assessor prepare for the treasurer a list of personal property, the taxes on which are not a lien upon sufficient real property to secure payment. The treasurer can then collect the taxes or seize and sell the property before it can be removed.[29] Migratory stock which grazes part of the year in a county other than the one where usually kept must be assessed in the county where located at the time the assessor is required to make the assessment. Taxes are collected on the tax levy in the home county and apportionment is based on the time the stock is kept in each county.[30]

Poll Taxes and Hail Insurance

The assessor during the Territorial period was assigned the duty of collecting dog taxes and poor and poll taxes. To facilitate this he was empowered to collect the poll tax from employers of each employee working for a company or corporation.[31] He must deliver to the county clerk a separate statement of the full and true value of each class of property for each school district[32] and must make an annual settlement of all transactions connected with revenue.[33]

The legislature of 1919 assigned the assessor the duty of receiving hail insurance applications. He must file the original application with the recorder and enter the amount due on the assessment rolls.[34]

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[28] Mont. Ter. S. L., 1867, p. 44, secs. 20, 21; Mont. Compiled Stat., 1887, 5th div., sec. 1697; Mont. R. C., 1935, secs. 1215, 2050, 2052.

[29] Mont. S. L., 1891, p. 121, secs. 157-159; Ibid., 1903, ch. 119, sec. 1; Ibid., 1923, ch. 102, sec. 2; Mont. R. C., 1935, sec. 2239.

[30] Mont. S. L., 1909, ch. 125, secs. 1-7; Mont. R. C., 1935, secs. 2069-73.

[31] Mont. Ter. S. L., 1866, 3rd sess., p. 72, sec. 1; Ibid., 1883, 13th sess., p. 35, sec. 2.

[32] Mont. S. L., 1913, ch. 76, sec. 2011; Ibid., 1925, ch. 62, sec. 1; Mont. R. C., 1935, sec. 1215.

[33] Mont. S. L., 1891, p. 128, sec. 199; Mont. R. C., 1935, sec. 2042.

[34] Mont. S. L., 1923, ch. 40, sec. 3; Ibid., 1931, ch. 54, sec. 3; Mont. R. C., 1935, sec. 350.2.

Collection of Statistics

In addition to his regular duties of assessing property valuations, the assessor has performed various duties in connection with agricultural statistics. In 1872 he was directed to get statistics on grain and fruit grown, amount of coal mined, and number of births and deaths.[35] He is now required to report the farm products and agricultural resources to the commissioner of agriculture.[36] He must make a statement to the State Board of Equalization in July showing the several kinds of personal property, the average and total value of each kind, number of livestock, number of bushels of grain, number of pounds or tons of articles sold in this manner, and the separate value of each class of land.[37] During odd numbered years he must collect names and addresses of all owners or breeders of purebred livestock. This information is compiled and sent to the Montana Agricultural Experiment Station at Bozeman.[38]

Records

The assessor's records are kept because they are essential in the administration of the functions of the office. These include assessment lists, land classification books, and index cards showing ownership of land within the county.

196. ASSESSMENT LIST, 1935--. 48 f.b. (dated). Prior records destroyed.
Annual assessment lists showing name of owner, description, classification, and value of property, school district number and owner's affidavit. Arr. alph. by names of taxpayers. No index. Hdw. on pr. fm. 10½ x 4 3/4 x 14. Assr. vlt.

For other assessment records, see entry 200.

197. TOWNSHIP PLATS, 1900--. 1 vol.
Township plats showing streams, roads, and railroads. Scale, 60 chains to an inch. Arr. num. by twp. and range. No index. Hdw. on pr. fm. 10 pp. 19 x 15 x 1 3/4. Assr. vlt.

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[35] Mont. Ter. S. L., 1872, 7th sess., p. 635, secs. 3, 4.
[36] Mont. S. L., 1921, ch. 187, secs. 1-3; Mont. R. C., 1935, secs. 2043, 2044, 2045.
[37] Mont. Pol. C., 1895, sec. 3729; Mont. R. C., 1935, sec. 2053.
[38] Mont. S. L., 1913, ch. 6, secs. 1, 2; Mont. R. C., 1935, secs. 3351, 3352.

XV. COUNTY BOARD OF EQUALIZATION

Powers of County Board

The first Territorial legislature directed that the county clerk and treasurer should constitute a board to correct the assessment rolls but in 1867 the county commissioners were designated as such.[1] This law continued throughout the Territorial period. The Constitution of 1889 provided that the board of county commissioners should compose ex-officio the county board of equalization. The county clerk was to act as its secretary.[2] In 1891 the legislature directed that the county board of equalization should meet on the third Monday in July to examine the assessment book and equalize assessments "within the county" before the second Monday in August.[3] It had power upon application from any taxpayer and upon examination of applicant and other interested parties under oath to reduce the valuation placed by the assessor upon any property. It could also raise or lower the assessments upon a whole class of property[4] and might add to the assessment lists any property which had not been assessed.[5] These powers and duties have continued to the present.[6]

Powers of Supervision by State Board

Appeals from the decisions of the county board of equalization may be taken to the State Board of Equalization.[7] The State Board has the duty and power to prescribe rules and regulations not in conflict with the Constitution and laws of Montana to govern county boards and assessors in the performance of their duties.[8] It exercises general supervision over the assessor, county boards of equalization, boards of county commissioners, officers of municipal corporations having any duties to perform relating to taxation and over the general administration of assessments and tax

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1. *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 420, sec. 30; *Ibid.*, 4th sess., 1867, p. 46, sec. 28.
2. *Mont. S. L.*, 1891, pp. 96, 99, secs. 60, 70; *Mont. R. C.*, 1935, secs. 2113, 2121.
3. *Ibid.*, p. 96, sec. 60; *Mont. R. C.*, 1935, sec. 2113.
4. *Ibid.*, p. 96, sec. 61; *Mont. R. C.*, 1935, sec. 2114.
5. *Ibid.*, p. 99, sec. 69; *Mont. R. C.*, 1935, sec. 2120.
6. *Mont. R. C.*, 1935, secs. 2113, 2114, 2120.
7. *Mont. S. L.*, 1923, ch. 3, sec. 9; *Mont. R. C.*, 1935, sec. 2122.8.
8. *Ibid.*, par. 1, sec. 2122.8.

laws of the State. It also supervises the administration of revenue laws and makes regulations to insure uniform assessments by the county assessors including preparation and enforcement of the use of forms for the assessment of property.

The State Board of Equalization also adjusts and equalizes the value of taxable property among the several counties and for different classes of taxable property. It supervises and reviews the acts of county assessors and county boards of equalization and does all things necessary to secure fair, just, and equitable valuation of taxable property among the counties, for different classes of property, and for individual taxpayers.[9] The State Board of Equalization assesses franchises and other property in all inter-county corporations including railroads, telegraph and telephone lines, hydro-electric power, and the like.[10]

198. (MINUTES OF BOARD OF EQUALIZATION), 1871--. In Commissioners' Journal, entry 1.
Minutes of meetings showing names of members present, dates of meetings, and action taken on requests for a change in assessed valuation of property with signature of the chairman and clerk of the board.

199. COMMUNICATIONS FROM STATE BOARD OF EQUALIZATION, 1913--. 1 f.b.
Letters relative to tax adjustments and levies from the State to the county board of equalization. Arr. chron. by date filed. No index. Typed. 10 x 4½ x 13. C&R vlt.

XVI. COUNTY TREASURER

Structure of Office

Territorial Period

The first Territorial legislature provided for a county treasurer to be elected for a term of two years, and who, before taking office should file an official bond fixed and approved by the board of county commissioners.[1] In order to qualify for the office, the treasurer was required to be a citizen and resident of the county from which elected.[2] Conviction of a criminal offense, violation of his oath, or failure to renew his official bond were made grounds for dismissal in which case the commissioners should appoint a

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[9] *Ibid.*, par. 5.
[10] *Ibid.*, par. 3.
[1] *Mont. Ter. S. L.*, 1864-65, p. 516, sec. 1.
[2] *Ibid.*, p. 534, sec. 8.

successor to serve until the next election.[3] The treasurer's compensation consisted of a percentage of the taxes collected and mileage for traveling to the Territorial Capitol to make settlements with the Territorial Treasurer and Auditor.[4] In 1885 he was allowed a salary of $1,400.[5]

Statehood

The Constitution of 1889 provided for the continuance of the office of treasurer. It established the term at two years and limited the treasurer to two consecutive terms.[6] Under an amendment approved in 1938, he was limited to one term which was extended to four years.[7] The official bond of the treasurer in counties of the seventh class is $25,000[8] which must be approved by the district judge.[9] He receives a salary of $1,800 per years.[10] He is allowed one full time deputy at a salary of $1,650 per year,[11] and the commissioners may allow additional deputies and fix their salaries.[12] Any person in order to be elected to the office of county treasurer must be twenty-one years old and a citizen of the State.[13] The county treasurer may be suspended from office by the commissioners for misconduct in office, pending court action.[14] In case the office is left vacant, it must be filled by the board of commissioners.[15]

Duties and Powers

General

The county treasurer's duties as custodian of county funds were redefined by the Codes of 1895 much as they had been during

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[3] *Ibid.*, p. 534, secs. 8, 12; p. 517, sec. 4.

[4] *Ibid.*, p. 475.

[5] *Ibid.*, 14th sess., 1885, pp. 64-67, sec. 5.

[6] *Const.*, 1889, art. 16, sec. 5.

[7] *Ibid.*, as amend. 1938.

[8] *Mont. S. L.*, 1921, ch. 229, sec. 3; *Mont. R. C.*, 1935, sec. 466.

[9] *Mont. Pol. C.*, 1895, sec. 1053; *Mont. R. C.*, 1935, sec. 471.

[10] *Mont. S. L.*, 1921, ch. 151, sec. 1; *Mont. R. C.*, 1935, sec. 4867.

[11] *Mont. S. L.*, 1919, ch. 222, sec. 1; *Mont. R. C.*, 1935, sec. 4873; *Mont. S. L.*, 1939, ch. 97, sec. 1.

[12] *Mont. S. L.*, 1923, ch. 82, sec. 1; *Mont. R. C.*, 1935, secs. 4874, 4878.

[13] *Const.*, 1889, art. 9, secs. 7, 11; *Mont. Pol. C.*, 1895, sec. 4310; *Mont. R. C.*, 1935, sec. 4723.

[14] *Mont. Pol. C.*, 1895, sec. 4368; *Mont. R. C.*, 1935, sec. 4768.

[15] *Mont. Pol. C.*, 1895, sec. 4321; *Mont. R. C.*, 1935, sec. 4734.

the Territorial period, and as they have continued during Statehood. The county treasurer pays out money upon warrants issued by the county clerk upon authority of the county commissioners or as otherwise provided by law.[16] When the treasurer receives any money he must issue a receipt in triplicate, the original to go to the payer, the duplicate to the county clerk, and the third copy to be retained in the office.[17] When a warrant is redeemed, the treasurer must stamp it paid with the date and his signature. If there are no funds for paying a warrant, the treasurer endorses upon it "Not paid for want of funds," with date and signature.[18] He must deposit all paid warrants with the clerk of the board of commissioners which has control of all accounts, make a monthly settlement with the county clerk on the first Monday of each month, and an annual settlement on the first Monday of January for which purpose he must make a detailed statement under oath showing the receipts and expenditures and balances in all accounts;[19] a detailed report at every regular meeting of the board of county commissioners of all moneys received and all disbursements made and of all debts and credits of the county;[20] a similar report for each quarter to be made on the first Monday of January, April, July and October to the county commissioners and State Examiner with a copy to be filed in the treasurer's office;[21] biennial reports on the third Monday of December and June of taxes collected and delinquent list of persons and property owing taxes;[22] an annual financial report to the county superintendent of schools on or before the tenth of August for the year ending June 31;[23] quarterly reports beginning September first to each board of trustees showing an itemized statement of warrants paid and money received for preceding quarter;[24] monthly report to the State Treasurer to accompany remittance of State funds.[25]

Deposit of Funds

County funds collected by the county treasurer must be deposited on a proportionable basis in the banks available in the county

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[16] Mont. Pol. C., 1895, sec. 4350; Mont. R. C., 1935, sec. 4750.
[17] Mont. Pol. C., 1895, sec. 4351; Mont. R. C., 1935, sec. 4751.
[18] Mont. Pol. C., 1895, secs. 4352, 4353; Mont. R. C., 1935, secs. 4752, 4753.
[19] Mont. Pol. C., 1895, sec. 4360; Mont. R. C., 1935, sec. 4760.
[20] Mont. Pol. C., 1895, sec. 4361; Mont. R. C., 1935, sec. 4761.
[21] Mont. S. L., 1891, p. 108, sec. 99; Ibid., 1925, ch. 3, sec. 1; Mont. R. C., 1935, sec. 2174.
[22] Mont. S. L., 1891, p. 109; sec. 101; Ibid., 1923, ch. 96, sec. 5; Mont. R. C., 1935, sec. 2176.
[23] Mont. Pol. C., 1895, sec. 1880; Mont. R. C., 1935, secs. 1213, 1214.
[24] Mont. S. L., 1913, ch. 76, sec. 2010, subdiv. 2; Mont. R. C., 1935, sec. 1213, subdiv. 2.
[25] Mont. Pol. C., 1895, sec. 3990; Mont. R. C., 1935, sec. 2255.

which can qualify for county funds and which are willing to accept them under conditions prescribed by law. This money shall bear a maximum of two percent interest. The treasurer must require adequate security, approved by the board of commissioners, to insure prompt payment on demand of such funds.[26]

Trust and Agency Funds

The county treasurer is custodian of moneys not belonging to the county, but held for some purpose described by law. These are known as trust and agency funds. They include school funds, State funds, city funds, and funds belonging to special districts. They also include money deposited by the clerk of the court in probate matters, or by the coroner in trust for the heirs or creditors of people subject to inquest.[27]

The county treasurer must keep all school moneys in a separate fund and keep a separate account of their disbursement to the several school districts; notify the county superintendent of the amount of the school fund in the county treasury subject to apportionment; and pay all warrants drawn on county or district school moneys in accordance with the provisions of law, whenever such warrants are countersigned by the school district clerk and properly endorsed by the holders.[28]

Tax Collection

The treasurer's duties as tax collector are complicated and bound by many legal restrictions. They have been increased gradually from the time when the first Territorial legislature assigned to him this duty. In 1870 he was directed to examine the reports of corporations and collect taxes accordingly.[29] He was also to collect road taxes.

All county taxes, school district taxes, and State and city direct property taxes are paid into the treasurer's office.[30] The treasurer must make a notation in the assessment book of all taxes paid[31] and prepare a list of all persons owing delinquent taxes

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[26] *Mont. R. C.*, 1935, sec. 4767. Amended numerous times from its first enactment in 1895 (*Mont. Pol. C.*, 1895, sec. 4367) until it appeared in its present form in 1933 (*Mont. Ex. S. L.*, 1933, ch. 23, sec. 1).

[27] *Mont. Pol. C.*, 1895, secs. 4350, 4363, 4364; *Mont. R. C.*, 1935, secs. 4750, 4763, 4764.

[28] *Mont. Pol. C.*, 1895, sec. 1880; *Mont. R. C.*, 1935, sec. 1213.

[29] *Mont. Ter. S. L.*, 6th sess., 1869-70, p. 54.

[30] *Mont. Pol. C.*, 1895, sec. 3860; *Mont. S. L.*, 1923, ch. 96, sec. 1, ch. 71, sec. 1; *Mont. S. L.*, 1935, ch. 73, secs. 1, 2; *Mont. R. C.*, 1935, secs. 2169.2, 2169.3, 2172.1.

[31] *Mont. Pol. C.*, 1895, sec. 3862; *Mont. R. C.*, 1935, sec. 2171.

with the description of the property and amount due.[32]

To enforce payment of personal property taxes, the treasurer is empowered to make collection thereof or seize and sell the property within thirty days after notice has been given. The assessor upon discovering any personal property, the taxes of which are not secured by sufficient real property, must notify the treasurer. If taxes are collected before the new levy is made in August, the old levy is used as a basis for collection. If the new levy is higher, the treasurer can collect the balance, and if it is lower the taxpayer can make claim for a refund. The purpose of the law is to prevent transfer of property to a different locality and thereby evade taxation, and so immediate payment is not ordinarily enforced unless there is danger that the property will be removed.[33]

The collection of delinquent taxes has always been a large part of the work of the treasurer. In 1870 he was required to send notices of delinquent taxes, to seize personal property for payment of taxes, to sue for collection of taxes,[34] to provide for the sale of real estate for delinquent taxes and to give the purchaser of property bought at a tax sale a certificate of purchase, and if the land be not redeemed within a year he must issue a deed to the purchaser. He was to make full reports of all these acts to the county clerk for the use of the commissioners.[35]

Under the law since 1891 the procedure by which the treasurer undertakes to collect delinquent taxes is as follows: he must publish a notice of tax sale in which he gives the time and place of sale and states that a complete list of property upon which taxes are delinquent may be seen in his office.[36] The treasurer must then file with the county clerk a copy of this publication with an affidavit that it is a true copy.[37] He conducts the sale at the time and place given in the publication of notice of sale.[38] If no one bids enough to cover the taxes, then the whole property is struck off to the county as purchaser.[39] After the sale the treasurer must make out duplicate certificates of sale, the original to

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32. Mont. S. L., 1891, p. 109; Mont. R. C., 1935, sec. 2176.
33. Mont. S. L., 1891, p. 121, secs. 158-160; Ibid., 1923, ch. 102, sec. 2; Mont. R. C., 1935, sec. 2239.
34. Mont. Ter. S. L., 1st sess., 1864-65, pp. 422, 423.
35. Ibid., pp. 423, 424; Mont. R. C., 1935, secs. 2194, 2195, 2202-2206.
36. Mont. S. L., 1891, p. 110, sec. 107; Mont. R. C., 1935, sec. 2182.
37. Mont. S. L., 1891, p. 110, sec. 112; Mont. R. C., 1935, sec. 2187.
38. Mont. Compiled Stat., 1887, 5th div., sec. 1732; Mont. R. C., 1935, sec. 2189.
39. Mont. S. L., 1891, p. 111, sec. 115; Mont. R. C., 1935, sec. 2191.

be filed with the county clerk and the second copy to be delivered to the purchaser. This certificate must bear certificate number, date of sale, name of person owning property on which delinquent taxes are due, description of property, amount of assessment and delinquent taxes, the amount paid by purchaser at tax sale, and a statement that it was sold for taxes.[40] In case the property is struck off to the county the treasurer files the duplicate certificate in his office.[41] The treasurer before delivering the certificate must make a copy of it in a book kept for that purpose.[42] A tax sale certificate means an investment in the property which the owner may redeem within a specified time upon payment of all delinquent taxes with interest, penalties, and costs. This time is set at five years from date of certificate, but the county commissioners cannot be compelled to order issuance of a tax deed within three years after time for redemption has expired.[43]

The treasurer shall assign the rights of the county in property acquired at tax sale, not including irrigation district land,[44] to anyone paying the amount of the taxes, penalty, and interest.[45]

If the property is not redeemed within the specified time the treasurer issues a tax deed to the purchaser upon his application, reciting substantially the conditions stated in the certificate and stating that the property has not been redeemed within the time specified.[46] Before application may be filed for tax deed the purchaser must serve notice upon the original owner or his representative that he intends to apply for a tax deed, and an affidavit that this notice has been given must accompany application for tax deed.[47] The tax deed is signed by the treasurer and recites the whole process leading up to the issue of the deed.

In 1937 the legislature provided for a moratorium on tax

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40. Mont. S. L., 1891, p. 111, sec. 118; Mont. R. C., 1935, sec. 2194.
41. Mont. S. L., 1891, p. 111, sec. 115; Mont. R. C., 1935, sec. 2191.
42. Mont. S. L., 1891, p. 112, sec. 120; Mont. R. C., 1935, sec. 2196.
43. Mont. S. L., 1891, p. 113, sec. 122; Mont. R. C., 1935, sec. 2201.
44. State ex rel. Malott v. Cascade County; 94 Mont. 394, 402 et seq.; 22 Pac. 2d 811. See Mont. R. C., 1935, sec. 2207.
45. Mont. S. L., 1917, ch. 151, sec. 1; Mont. R. C., 1935, sec. 2207.
46. Mont. S. L., 1891, p. 113, sec. 127; Mont. R. C., 1935, sec. 2206.
47. Mont. S. L., 1891, p. 114, sec. 129; Mont. R. C., 1935, sec. 2212.

collections. It enacted that anyone having an interest in personal property or real estate on which taxes had become delinquent before July 1, 1936, and against which no tax sale certificate had been issued to a purchaser other than the county, might pay the taxes without penalty or interest any time before December 1, 1938. If the property had been struck off at tax sale to the county and the county had not assigned it, the owner might redeem the same without penalty or interest any time before December 1, 1938. County and city treasurers were forbidden to hold any tax sales until after this date.[48] In order to make this law effective, the treasurer was required to publish notices of it in the official county paper and to mail notices to all who were delinquent in their tax payments. A new law was passed in 1939 to permit payment of delinquent taxes without penalty and interest until February 1, 1941, provided tax sale had been made to the county and no assignment made. This act did not include the moratorium provision of the 1937 law, and commissioners may order tax deeds issued and the county treasurer may assign certificates of sale.[49]

Previous to 1937 only the first delinquent tax installment was ordinarily exposed for sale and in order to redeem this installment all subsequent taxes were to be paid.[50] In 1937 the law provided that each delinquent payment must be sold at tax sale.[51] An opinion by the Attorney General stated that, while under the old law where only the first delinquent payment was sold the taxpayer must pay all delinquent taxes in order to avail himself of the penalty and interest exemption, under the new law whereby each payment is sold separately it may also be redeemed separately without payment of interest and penalty.

In 1933 a law, effective until 1935, was passed to provide for the payment of delinquent taxes in twenty semi-annual installments. Under this law delinquent taxpayers could apply to the board of commissioners before 1935 for compounding their taxes giving a description of their property and stating the reason for their inability to pay. If the application was approved the commissioners contracted with the applicant, and the treasurer, on collection of an installment, must issue a receipt to the taxpayer.[52]

Licenses

The county treasurer as tax collector has been assigned the duty of issuing and collecting payments for all sorts of licenses collections. It enacted that owners of real estate on which taxes were delinquent before July 1, 1933, and against which no tax sale certificates had been issued to a purchaser other than the county, might pay the taxes without penalty or interest any time before January 1, 1934. If the property had been struck off at tax sale to the county and the county had not assigned it, the owner might redeem the same without penalty or interest any time before January 1, 1934. County and city treasurers were forbidden to hold any tax sales until after this date.[47] In order to make this law effective, the treasurer was required to publish notices of it in the official county paper and to mail notices to all who were delinquent in their tax payments. A new law was passed in 1935 to permit payment of delinquent taxes without penalty and interest until January 1, 1936, provided tax sale had been made to the county and no assignment made. This act did not include the particular provision of the 1933 law, and commissioners may still have deeds issued and the county treasurer may execute such sales.[48]

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[48] Mont. S. L., 1937, ch. 70, secs. 1, 2, ch. 20, secs. 1, 2.

[49] Mont. S. L., 1939, ch. 11, sec. 1.

[50] Ibid., 1891, p. 119, secs. 153, 154; Mont. R. C., 1935, secs. 2231, 2232.

[51] Mont. S. L., 1937, ch. 54, sec. 1.

[52] Mont. Ex. S. L., 1933, ch. 45, secs. 1-3, 8.

Previous to 1933 only the first delinquent tax installment was ordinarily exposed for sale and in order to redeem from the sale all subsequent taxes were to be paid.[49] In 1933 the law provided that each delinquent payment must be sold at tax sale.[50] An opinion by the Attorney General stated that, while under the old law the owner paid the first delinquent payment and paid the subsequent taxes and all delinquent taxes in order to secure release of the property and interest exemption, under the new law as each payment is sold separately it may also be redeemed separately with but payment of interest and penalty.

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Licenses

The county treasurer is the collecting agent in the duty of issuing and collecting payments for all sorts of licenses relating to business. Architects, bankers, brewers, butchers, circuses, contractors, electric light and gas companies, laundries, livery stables, pawnbrokers, peddlers or hucksters, pool hall operators, restaurants, theaters and many other businesses must obtain their licenses from the treasurer and pay the license fees to him.[53]

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[47] [illegible]

[48] [illegible]

[49] [illegible]

[50] [illegible]

[51] [illegible]

The treasurer's duties have been greatly increased during the past ten years by legislation pertaining to the registration of motor vehicles. In 1929 he was required to issue a special receipt for payment of taxes on motor vehicles which should accompany applications to the registrar of motor vehicles for licenses.[54] The next legislature required that applications be made to the county treasurer who should forward them to the State Registrar.[55] In 1937 the treasurer was required to issue license plates and at the same time to collect the current year's taxes on the basis of the previous year's levy.[56] The duty of collecting the one dollar fee for certificate of ownership or transfer of title was assigned to the treasurer in 1933.[57] A law enacted in 1935 required every driver of a motor vehicle to procure a license from the county treasurer.[58]

Records

The treasurer's duties as custodian of county funds have required elaborate bookkeeping and many reports. From a simple set of books required in 1865 the present system has gradually developed. In 1867, he was directed to keep a book in which he "shall enter all county warrants presented for payment." He was also to "post a list of all warrants" which the county had "funds to pay and shall file a copy of such notice in the office of the county clerk."[59] He was also required to keep a record of all warrants presented for payment to record and cancel warrants paid, and to register those unpaid.[60] In 1874, he was ordered to deliver to the county commissioners warrants and vouchers for moneys disbursed by him,[61] to keep a separate account for school funds and to pay school fund warrants against these accounts.[62] In 1877 the legislature made it "the duty of the county commissioners to examine the

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53. Mont. S. L., 1864-65, 1st sess., pp. 523-528; Mont. Pol. C., 1895, secs. 4043, 4062-82; Mont. R. C., 1935, secs. 2429, 2434-40, 2589.
54. Mont. S. L., 1929, ch. 171, sec. 1.
55. Ibid., 1931, ch. 158, sec. 1.
56. Ibid., 1937, ch. 72, sec. 1.
57. Ibid., 1933, ch. 159, sec. 2, subdiv. 5.
58. Ibid., 1935, ch. 185, sec. 10; Ibid., 1937, ch. 182, sec. 9.
59. Mont. Ter. S. L., 4th sess., 1867, p. 59.
60. Ibid., 7th sess., 1871-72, pp. 610-615.
61. Ibid., 8th sess., 1874, p. 70.
62. Ibid., pp. 118, 119.

relating to business. Architects, bankers, brokers, butchers, circuses, contractors, electric light and gas companies, insurance agents, livery stables, pawnbrokers, peddlers or nurserymen, real-estate agents, restaurants, theaters and many other trades were obliged to obtain their licenses from the treasurer and pay the license fee to him.[63]

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Records

The treasurer's duties as custodian of county funds have required elaborate bookkeeping and many reports. From a single set of books required in 1861 the present system has gradually developed. In 1869, he was directed to keep a book in which he "shall enter all county warrants presented for payment." It was his duty to "post a list of all warrants" which the county had "funds to redeem and shall file a copy of such notice in the office of the county clerk."[69] He was also required to keep a record of all warrants presented for payment, endorsed and unpaid warrants paid, and to register those unpaid.[70] In 1874, he was directed to register the county commissioners warrants and vouchers for moneys paid by him,[71] to keep a separate account for school funds and to pay school fund warrants against these accounts.[72] In 1879 the legislature made it "the duty of the county commissioners to examine the books of the treasurer not less than twice in each year, and if the books did not correspond with the amount of funds on hand they should take possession of the books, moneys, and papers of the treasurer's office."[63] The law in 1895 made it the duty of the commissioners to suspend the treasurer from office and fill the vacancy until the suit is determined if action is brought on charge of official misconduct.[64]

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[63] Kans. S. L., [illegible], 1st sess. [illegible]; [illegible] 1911, sess. [illegible]; Kans. [illegible] [illegible]-[illegible], 1925.
[64] Kans. S. L., 1920, ch. 73, sec. 1.
[65] Ibid., 1921, ch. 190, sec. 1.
[66] Ibid., 1923, ch. 79, sec. 1.
[67] Ibid., 1925, ch. 179, sec. 2, subdiv. 1.
[68] Ibid., 1929, ch. [illegible], sec. [illegible]; Ibid., [illegible].
[69] [illegible], 4th sess., [illegible].
[70] [illegible], [illegible].
[71] Ibid., [illegible], 1874, p. [illegible].
[72] Ibid., [illegible], 119.

The county clerk must deliver to the treasurer each year the original or duplicate of the assessment book, prepared by the county assessor.[65] The assessor enters assessed valuations; the county clerk enters taxable valuations and the amount of taxes to be collected computed from the tax levy; and the treasurer enters the amounts paid or makes a delinquent notation if unpaid. The county commissioners have authority to dispense with the making of this duplicate in which case the treasurer receives and keeps the original.[66] In 1887 he was required to keep a cash book.[67]

The record system of the treasurer has developed in response to legislative enactments, but also largely as a result of efforts by the State Examiner to develop a uniform and efficient accounting system.

Taxation

General

200. ASSESSMENT BOOKS, 1887--. 102 vols. (dated).
Tax rolls showing name and address of taxpayer; description, amount, classification, assessed and taxable value of all real and personal property; school district number; distribution and total amount of tax, and date paid. Arr. alph. by name of taxpayer. Indexed alph. on fly leaf by name of taxpayer. Hdw. on pr. hd. Aver. 360 pp. 32 x 16 x 3½. 88 vols., 1887-1930, storage vlt.; 14 vols., 1931--, treas. vlt.

For other assessment records, see entry 196.

201. TAX RECEIPTS, 1912--. 1060 vols. (labeled by incl. receipt nos.).
Triplicate receipts showing description of property assessed, name of owner, amount of assessment on real and/or personal property, amount paid, and receipt number. Arr. num. by receipt no. No index. Typed on pr. fm. Aver. 25 pp. 13 x 8 x ¼. 1020 vols., 1912-36, C&R vlt.; 40 vols., 1937--, treas. vlt.

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63. *Ibid.*, 10th sess., 1876-77, pp. 402-404, secs. 1-5.
64. *Mont. Pol. C.*, 1895, sec. 4368; *Mont. R. C.*, 1935, sec. 4768.
65. *Mont. Pol. C.*, 1895, secs. 3845, 3851; *Mont. R. C.*, 1935, secs. 2161, 2167.
66. *Mont. Pol. C.*, 1895, sec. 3851; *Mont. R. C.*, 1935, sec. 2167.
67. *Mont. Compiled Stat.*, 1887, p. 1146, sec. 1778.

Delinquent (See also entries 28, 208)

202. DELINQUENT BOOK, 1922--. 8 vols.
Register of delinquent taxes showing name of property owner, description of delinquent property, years delinquent, and amount due with penalty, interest, and total; date sold and certificate number; date assigned, to whom; date redeemed and certificate number; date deed issued. Arr. num. by twp. and range. For index, see entries 203, 204. Hdw. on pr. fm. Aver. 100 pp. 27 x 18 x 1½. Treas. off.

203. DELINQUENT INDEX (Rural), 1922--. 1 vol. (1).
Shows name of owner, description of delinquent property, and book and page where recorded in Delinquent Book, entry 202. Arr. num. by twp. and range. Hdw. on pr. hd. 200 pp. 19 x 18 x 2. Treas. off.

204. DELINQUENT INDEX (City), 1922--. 1 vol. (2).
Shows name of owner, description of delinquent property, and book and page where recorded in Delinquent Book, entry 202. Arr. alph. by name of town and addition; num. thereunder by lot and block nos. Hdw. on pr. hd. 200 pp. 19 x 18 x 2. Treas. off.

Collections and Disbursements
(See also entries 31-37)

General

205. GENERAL REGISTER, 1864--. 7 vols.
Register of county funds showing cash receipts, disbursements, and balances for each fund for each month, dates of entries, and amounts. Arr. chron. by date entered. No index. Hdw. on pr. hd. Aver. 480 pp. 14 x 12 x 2. 6 vols., 1864-1927, C&R bsmt. vlt.; 1 vol., 1928--, treas. vlt.

206. CASH BOOK, 1895--. 6 vols.
Daily balance of all cash transactions showing name of account, amount collected or paid out, and balance. Arr. chron. by date posted. No index. Hdw. on pr. hd. Aver. 340 pp. 30 x 18 x 2. 5 vols., 1895-1933, C&R bsmt. vlt.; 1 vol., 1934--, treas. vlt.

207. ESTATE REGISTER, 1916--. 1 vol.
Register of receipts and disbursements of estate funds deposited by clerk of court and public administrator showing balances each month. Arr. alph. by name of estate. No index. Hdw. on pr. hd. 300 pp. 14 x 12 x 2. Treas. vlt.

Collections

208. TREASURER'S REGISTER OF DELINQUENT TAXES COLLECTED, 1929--. 1 vol.
Shows receipt number, distribution, and total. Arr. num. by receipt

No index. Hdw. on pr. hd. 125 pp. 17 x 14 x 1. Treas. vlt.

For other delinquent tax records, see entries 28, 202-204.

209. UNFINISHED BUSINESS REGISTER, 1909--. 1 vol.
Register of taxes collected on unfinished business showing date of collection, receipt numbers, amount collected, amount due county or refund due taxpayer after being transferred to regular business. Arr. num. by receipt no. No index. Hdw. on pr. hd. 200 pp. 14 x 12 x 1. Treas. vlt.

Disbursements

210. REGISTER OF VOUCHERS SURRENDERED, 1900--. 14 vols. (1-14).
Register of vouchers paid by treasurer for expenses incurred, giving amount of voucher, reason for expense, name of payee, and date paid. Arr. chron. by date entered. No index. Hdw. on pr. hd. Aver. 480 pp. 14 x 12 x 2. 13 vols., 1900-1934, C&R bsmt. vlt.; 1 vol., 1935--, treas. vlt.

211. WARRANT REGISTER, 1883--. 9 vols.
Register showing name of payee, warrant number, date and amount of warrant, name of person presenting warrant for payment, and date paid. Arr. num. by warrant no. No index. Hdw. on pr. hd. Aver. 300 pp. 14 x 12 x 2. 6 vols., 1883-1935, C&R bsmt. vlt.; 3 vols., 1936--, treas. vlt.

For original warrants, see entries 17-20; clerk's register, entry 37.

Schools (See also entries 232-235)

212. SCHOOL DISTRICT BUDGET REGISTER, 1932--. 1 vol.
Register of school district expenditures showing district and warrant numbers with date and account charged, amount paid, name of payee, and monthly balance. Arr. num. by warrant no. No index. Hdw. on pr. hd. 650 pp. 14 x 12 x 4. Treas. off.

For other budget records, see entry 235.

213, DUPLICATE SCHOOL WARRANTS, 1933--. 3 f.b.
Showing warrant number, date issued, purpose and amount of warrant, and name of payee. Arr. num. by warrant no. No index. Hdw. on pr. fm. 10 x 5 x 13. Treas. vlt.

214. SCHOOL DISTRICT REGISTER, 1878--. 7 vols.
Register of school district warrants issued showing warrant number, date and amount paid, name of payee, and school district number. Arr. num. by district no. No index. Hdw. on pr. hd. Aver. 300 pp. 12 x 10 x 2. 6 vols., 1878-1934, C&R bsmt. vlt.; 1 vol., 1935--, treas. off.

215. COUNTY HIGH SCHOOL BOND REGISTER, 1914--. 1 vol.
Register of high school bonds issued showing name of person issued to, bond number, date issued and date due, principal and interest, date canceled, and date registered. Arr. num. by bond no. No index. Hdw. on pr. hd. 400 pp. 14 x 12 x 2. Treas. off.

Deposit of Funds

216. BANK STATEMENTS, 1936--. 3 f.b. Prior records destroyed.
Monthly statements by banks holding county funds showing date of statement, name of bank, itemized account of amounts deposited and withdrawn for month, and balance. Arr. chron. by date of statement. No index. Typed on pr. fm. 10 x 5 x 3. Treas. vlt.

217. MONTHLY BALANCE, 1895--. 2 vols.
Register showing dates of bank deposits and withdrawals with balance at end of each month. Arr. chron. by date entered. No index. Hdw. on pr. hd. Aver. 450 pp. 14 x 12 x 2. 1 vol., 1895-1914, C&R bsmt. vlt.; 1 vol., 1915--, treas. vlt.

Tax Sales

218. TAX SALE CERTIFICATES, REDEEMED, CANCELED AND ASSIGNED, 1927--. 2 f.b.
Duplicate certificates issued, showing amount delinquent, description of property, date delinquent, date sold, and date it must be redeemed. Notation of redemption is made if redeemed with number of redemption certificate. Arr. chron. No index. Hdw. on pr. fm. 10 x 5 x 13. Treas. vlt.

219. APPLICATION FOR TAX DEEDS, 1917--. 1 f.b.
Original applications showing name of applicant, date of application, tax deed number, and description of property. Arr. chron. by date received. No index. Hdw. on pr. fm. 10 x 5 x 13. Treas. vlt.

220. REGISTER OF LAND ACQUIRED BY TAX DEED, 1915--. 1 vol. Last entry, 1935.
Showing tax sale certificate number and date, name and address of delinquent owner, description of property sold, and separate account of tax charges for each year delinquent totaled at the time deed is taken; if redeemed, the date of certificate, name of redeemer, and amount paid. Arr. alph. by name of owner. No index. Hdw. 100 pp. 27 x 18 x 1½. Treas. off.

For tax deeds, see entry 25.

Licenses
(See also entries 29, 30)

221. LICENSE REGISTER, 1865--. 4 vols.
Register of licenses issued for operation of business in the county showing type of business for which issued, date of issue, amount of fee, name of person issued to, date of expiration, and license number. Arr. alph. by name of licensee. No index. Hdw. on pr. hd. Aver. 250 pp. 13 x 11 x 1½. 3 vols., 1865-89, C&R bsmt. vlt.; 1 vol., 1890--, treas. off.

222. MOTOR VEHICLE LICENSE REGISTER, 1932--. 1 vol.
Register of motor vehicles in counties showing name and address of owners, engine number, model, make, and type of car, passenger capacity, and date of registration. Arr. num. by date of registration. No index. Hdw. on pr. hd. 300 pp. 14 x 12 x 2. Treas. off.

223. MOTOR VEHICLE LICENSE RECEIPTS, 1932--. 23 vols. (labeled by incl. receipt nos.).
Triplicate receipts issued to car owners showing make, style, and motor numbers; name of owner; number of license issued, and amount paid. Arr. num. by license no. No index. Hdw. on pr. fm. Aver. 25 pp. 12 x 8 x ¼. Treas. off.

Miscellaneous

224. BOND REGISTER, 1887--. 4 vols.
Register of bonds showing to whom issued, amount of bond, interest due, bond number, date payable, and date canceled. Arr. num. by bond number. No index. Hdw. on pr. hd. Aver. 500 pp. 16 x 12 x 2. 3 vols., 1887-1921, C&R bsmt. vlt.; 1 vol., 1922--, treas. vlt.

225. INDEX TO (Register of) TOWN LOTS (Ownership Book), 1932--. 1 vol.
Register showing name of present owner, location and description of lots owned, and lot number. Arr. alph. by name of owner. No index. Hdw. on pr. hd. 135 pp. 17 x 14 x 1. Treas. off.
For other land ownership records, see entries 76-78.

226. OFFICER'S STATEMENTS (Fee Book), 1936--. 1 f.b. Prior records destroyed.
Duplicate reports of clerk of court and sheriff as to fees collected showing date, source of fees, amount, and total for each month. Arr. chron. by date submitted. No index. Hdw. on pr. fm. 10 x 5 x 13. Treas. vlt.

XVII. REGISTRAR OF ELECTIONS

Structure

The first provision for registration of voters in Montana was made by an act passed in 1889 which made it mandatory for all electors to be registered before exercising the franchise privilege.[1] The county commissioners were empowered to appoint registry agents in each election district or precinct to secure a full registration of legally qualified electors. They were to be appointed each regular general election year at the June meeting of the county commissioners, to hold office for two years, but subject to removal at any time by the county commissioners.[2] Compensation was to be at the rate of twenty-five cents for each registration taken, but not to exceed five dollars per day.[3]

The registry agents continued in office until 1915 when an amendment was passed which designated notaries public and justices of the peace as special deputy registrars and provided for the appointment by the county commissioners of additional deputy registrars for each precinct with a compensation of twenty-five cents for each registration. This provision for deputy registrars is still in effect, except that the fee was reduced in 1937 to ten cents.[4]

In 1911, the county clerk was made ex-officio registrar of elections in which capacity he serves without extra compensation.[5]

Duties

Registrations

The law of 1889 made it the duty of registry agents to register all legally qualified electors in their respective districts or precincts, when requested to do so.[6] It also outlined the procedure to be followed in taking registrations.[7] They were required to post

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1. Mont. Ter. S. L., 16th sess., 1889, pp. 132, 133, secs. 14-16.
2. Ibid., pp. 124, 125, sec. 2; Mont. S. L., 1903, ch. 4, sec. 1.
3. Mont. Ter. S. L., 16th sess., 1889, p. 132, sec. 13.
4. Mont. S. L., 1915, ch. 122; sec. 10; Mont. S. L., 1937, ch. 172, sec. 5; Mont. R. C. S., 1939, sec. 557.
5. Mont. S. L., 1911, ch. 113, sec. 1; Mont. R. C., 1935, sec. 553.
6. Mont. Ter. S. L., 1889, pp. 126, 127, sec. 5.
7. Ibid., pp. 126-129, secs. 5-8.

notices of elections[8] and within seven days after the close of registrations to prepare and post in public places in each precinct, lists of all voters registered.[9] They also were required to prepare copies of the official precinct register, check lists of voters registered, and affidavits regarding protested registrations. They were to deliver the certified copies to the election precincts not later than one day before the election.[10]

By the law of 1911, the duties of the registry agents were restricted[11] and by the law of 1915 were taken over entirely by the county clerk as ex-officio registrar of elections and by the deputy registrars.[12]

The act of 1911 gave the county clerk as ex-officio registrar of elections, general charge of the registration of voters and he has retained the duty since that time.[13] In 1912 a direct primary measure was enacted and the duties of the registrar of elections were extended to include primaries.[14]

Mechanics of Elections

The mechanics of elections have always been handled by the county clerk, first as part of his regular duties and later as registrar of elections. The county commissioners established election precincts[15] and appoint election judges and other officials,[16] but the county clerk notifies them of their appointment,[17] furnishes them with supplies[18] and instructions,[19] and authorizes payment for their work.[20] He also gives notice of all general or special

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[8] Ibid., p. 127, sec. 5.
[9] Ibid., pp. 129, 130, sec. 9.
[10] Ibid., pp. 130, 131, sec. 10.
[11] Mont. S. L., 1911, ch. 113, sec. 1.
[12] Ibid., 1915, ch. 122, secs. 1, 10.
[13] Ibid., 1911, ch. 113, secs. 1, 7; Mont. R. C., 1935, sec. 553.
[14] Initiative Measure, Nov. 1912; Mont. R. C., 1935, secs. 631-670.
[15] Mont. Ter. S. L., 1st sess., 1864-65, p. 376, secs. 5-7; Mont. S. L., 1911, ch. 113, sec. 2; Ibid., 1915, ch. 122, sec. 2; Ibid., 1929, ch. 25, sec. 1; Mont. R. C., 1935, sec. 545.
[16] Mont. Ter. S. L., 1st sess., 1864-65, p. 376, secs. 5-7; Mont. S. L., 1923, ch. 43, secs. 1, 2; Mont. R. C., 1935, secs. 587, 588.
[17] Mont. Ter. S. L., 1st sess., 1864-65, p. 376, secs. 5-7; Mont. R. C., 1935, sec. 592.
[18] Mont. Ter. S. L., 1889, pp. 140, 145, secs. 18, 20, 35; Mont. R. C., 1935, secs. 603, 608.
[19] Mont. Ter. S. L., 1889, p. 143, sec. 29; Mont. R. C., 1935, secs. 607, 608.
[20] Mont. Ter. S. L., 1864-65, p. 505, secs. 32-34; Ibid., 1877, pp. 226, 227, sec. 1; Mont. R. C., 1935, sec. 4811.

elections,[21] delivers poll books to judges of elections,[22] receives election returns,[23] makes abstracts of votes cast in elections,[24] and takes notes of contested elections.[25]

During the Territorial period there was no secret voting and candidates generally furnished the ballots. In 1889 the county clerk was given the duty of preparing printed ballots for elections, including not only elections to office but also questions submitted to the vote of the people.[26] He was required to publish and place on the ballots only the names of those properly nominated, and to whom he was to issue certificates of nomination.[27] He was to provide and deliver the printed election ballots to voting precincts prior to the opening of the polls.[28]

Records

The law of 1889 required the county clerk to file and preserve all certificates of nomination for a period of one year. Certified copies of such certificates were to be filed with the Secretary of the Territory.[29] Official precinct registers, index books, and check lists of registered voters were prepared by registry agents, verified and delivered to the county clerk to file.[30] Returns of elections were to be forwarded by judges of elections to the county clerk.[31]

The law of 1911 expressly stated that the registrar of elections was to have "custody of all books and papers" relating to elections, and the register of voters, "to be kept by the county clerk," was declared to be an "official record."[32] This register was

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[21] Mont. Ter. S. L., 1st sess., 1864-65, p. 377, sec. 7; Mont. S. L., 1891, p. 221, sec. 1; Mont. R. C., 1935, sec. 594.

[22] Mont. Ter. S. L., 1864-65, p. 318, sec. 12; Mont. R. C., 1935, sec. 599.

[23] Mont. Ter. S. L., 1889, p. 131, sec. 10; Mont. R. C., 1935, secs. 782-785.

[24] Mont. Ter. S. L., 1864-65, p. 382, sec. 28; Mont. R. C., 1935, secs. 794, 798-802.

[25] Mont. Ter. S. L., 1864-65, p. 384, sec. 38; Mont. R. C., 1935, sec. 828.4.

[26] Mont. Ter. S. L., 1889, pp. 138, 139, secs. 14, 15; Mont. R. C., 1935, secs. 678, 686.

[27] Mont. Ter. S. L., 1889, p. 139, sec. 17; Mont. S. L., 1907, ch. 88, sec. 2; Mont. R. C., 1935, sec. 681.

[28] Mont. Ter. S. L., 1889, p. 140, sec. 20; Mont. S. L., 1925, ch. 16, sec. 1; Mont. R. C., 1935, sec. 687.

[29] Mont. Ter. S. L., 1889, pp. 136-138, secs. 4, 7-9.

[30] Ibid., pp. 128-130, secs. 8, 9; Mont. S. L., 1897, p. 123, sec. 1, p. 145, sec. 14.

[31] Mont. Ter. S. L., 1889, p. 131, sec. 10.

[32] Mont. S. L., 1911, ch. 113, sec. 1.

to be arranged by precincts and alphabetical divisions suitable to record complete information on each election.[33] A card index of four by six inch cards, containing the registration of each voter, was to be kept.[34] The old law requiring the clerk to keep poll books, registration lists,[35] and certificates of nomination was renewed and is still in force.[36] The registrar was also required to keep a Register of Candidates.[37]

Deputy registrars, created by the law of 1915, were required to forward by registered mail to the county clerk, all registration cards filled out by them within two days after taking such registrations.[38]

The legislature of 1937 directed that in June of that year the county clerk, as ex-officio registrar, should cancel all registrations and destroy all other election records except the Official Register which should be kept as a permanent record of the office.[39] This law was passed to eliminate possibility of fraud in registration. Soon after this most of the election records in Beaverhead County were destroyed.

227. OFFICIAL REGISTER OF ELECTIONS, 1937--. 1 vol., 16 f.b. (labeled by precinct name and no.). Prior records destroyed in compliance with act of legislature.
Shows registration number, date, name and address of registrant, and his or her nativity; length of time in State, county, city and precinct; also affidavits of voters and application forms for changing precinct. Arr. num. by registration no. For index, see entry 228. Hdw. on pr. hd. 500 pp. 18 x 14 x 2; f.b., 6 x 4 x 17. C&R vlt.

228. INDEX TO REGISTRATION OF ELECTORS, 1911--. 2 vols. (1, 2).
Index to Official Register of Elections, entry 227 showing registration number and date; name, address, and age of voter; precinct number and canceled registrations. Arr. alph. by elector's name. Hdw. on pr. fm. Aver. 600 pp. 18 x 12 x 3. C&R vlt.

229. REGISTRATION OF CANDIDATES FOR NOMINATION AT THE PRIMARY NOMINATING ELECTION, 1911--. 1 vol.
Gives name and address of candidate, office of candidacy, name of

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33. Ibid., secs. 9, 10.
34. Ibid., 1915, ch. 122, sec. 7; Mont. R. C., 1935, sec. 554.
35. Mont. S. L., 1911, ch. 113, secs. 23, 24; Ibid., 1933, ch. 61, secs. 1, 2; Mont. R. C., 1935, secs. 567, 568.
36. Mont. Ter. S. L., 1889, pp. 136, 137, secs. 4-8; Mont. R. C., 1935, secs. 614-618.
37. Initiative Measure, Nov. 1912; Mont. R. C., 1935, sec. 645.
38. Mont. S. L., 1915, ch. 122, sec. 10; Ibid., 1917, ch. 38, sec. 1; Mont. R. C., 1935, sec. 557.
39. Mont. S. L., 1937, ch. 172, sec. 1; Mont. R. C. S., 1939, sec. 569.1.

party, date filed, and filing fee. Arr. chron. by date filed. No index. Hdw. 300 pp. $11\frac{1}{4}$ x 9 x 2. C&R vlt.

XVIII. CANVASSING BOARD

The first legislature of Montana Territory set up a canvassing board composed of the clerk of the board of county commissioners and two justices of the peace.[1] In 1877 the personnel of the canvassing board was changed to include one county commissioner designated by the board of county commissioners, one justice of the peace selected in the same way, the probate judge, and one other county officer selected by the board.[2] In 1891 the law named the board of county commissioners as ex-officio the canvassing board.[3] If for any reason one or more of the canvassing board should be absent the remaining members must appoint another from the county officers in the following order: treasurer, assessor, sheriff, so that there must always be three members on the board.[4] The clerk of the board of county commissioners serves as clerk of the canvassing board.[5] This organization, set up in 1891, has never been changed.[6]

The canvassing board meets ten days after the election to canvass the returns. After examining the reports from the election officials, it declares the result. The clerk must enter in the minutes the report of the canvass,[7] and issue to each successful candidate a certificate of election.[8]

230. (MINUTES OF CANVASSING BOARD), 1891--. In Commissioners' Journal, entry 1.
Minutes of meeting showing dates held, date of elections, election reports from each precinct showing number of votes cast for each candidate and total received.

231. ABSTRACT OF ELECTION RETURNS, 1894--. 2 vols. (1, 2).
Showing kind of election, date, office, name of candidate, name and number of precinct, total number of votes received by each candidate, majority, plurality, and remarks. Arr. chron. by date of election. No index. Hdw. on pr. hd. Aver. 160 pp. 14 x 12 x 2. C&R vlt.

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1. Mont. Ter. S. L., 1864-65, p. 382, sec. 28.
2. Ibid., 1877, p. 227.
3. Mont. S. L., 1891, p. 299, sec. 2.
4. Ibid., p. 300.
5. Idem.
6. Mont. R. C., 1935, secs. 790, 791.
7. Mont. S. L., 1891, pp. 299-301, secs. 2-6; Mont. R. C., 1935, secs. 790-794.
8. Mont. S. L., 1891, p. 302, sec. 7; Mont. R. C., 1935, sec. 797.

XIX. COUNTY SUPERINTENDENT OF SCHOOLS

Structure of Common School System

Source of Support

The first legislature of Montana Territory passed an act in 1865 establishing a common school system. This recognized the county as the unit for education, and declared it the duty of the county commissioners to levy an annual tax of one mill on every dollar for the support of education. Fines for violation of the liquor laws, and other fines were also assigned to the schools. Moreover, a permanent public school fund was provided from the sale of school lands, the interest from which was to be used to support the schools.[1] This fund was reestablished in the Constitution of 1889 and although diminished by unfortunate investments has always remained a source of income.[2]

Term of Superintendent

At the head of the schools in each county was to be an elective county superintendent. The term of office fixed by the law of 1865 was three years,[3] but in 1883 this was changed to two years.[4] This two-year term was maintained through the remainder of the Territorial period, and by the Constitution of 1889 the term remained the same.[5] It was not until 1938 that the voters approved an amendment extending the term to four years.[6] Resignations are to be addressed to the county commissioners.[7] Removal from office is provided for under general laws applying to most county offices. This may be only by court action upon conviction of neglect of duty, or corruption or malfeasance in office.[8] In case of vacancy the commissioners appoint a qualified person to serve the unexpired term.[9]

Qualifications

Eligibility to hold the office of superintendent of schools consists of citizenship and the status of legal voter in Montana.[10]

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1. Mont. Ter. S. L., 1864-65, ch. 1, p. 433.
2. Const., 1889, art. 11, sec. 3; Mont. R. C., 1935, sec. 1218.1.
3. Mont. Ter. S. L., 1864-65, p. 434, sec. 1.
4. Ibid., 1883, p. 53, sec. 1075.
5. Const., 1889, art. 16, sec. 5.
6. Idem.
7. Mont. Ter. S. L., 1864-65, p. 534; Mont. R. C., 1935, sec. 510.
8. Mont. Penal C., 1895, sec. 1530; Mont. R. C., 1935, sec. 11687.
9. Mont. Ter. S. L., 1866, p. 71; Mont. R. C., 1935, sec. 4734.
10. Const., 1889, art. 9, sec. 10.

The county superintendent must also meet special educational requirements which have varied from time to time. In 1929 the law required that county superintendents hold State certificates showing education equivalent to graduation from a normal school, college, or university.[11]

The commissioners in their general capacity as executive head of the county apparently had the right from the beginning to require a bond of the county superintendent and to fix its amount. In 1872 the law specifically conferred this power upon them.[12] After the Territory became a State the law fixed the official bonds of county officers and provided that they were subject to the approval of the district judge.[13] The amount varied from time to time but in 1921 the legislature fixed the official bonds of county superintendents in all counties at $1,000.[14]

Salary

The salary of the county superintendent was set by the first legislature at a minimum of one hundred dollars a year, but it might be increased by the commissioners to three hundred dollars.[15] This law has varied to increase the salary[16] until in 1921 the salary of the county superintendent in counties of the seventh class was fixed at $1,800 per year where it has remained to the present time.[17]

Duties and Powers

Administrative

The duty of organizing the public schools in the counties of Montana was assigned to the county superintendents. Subsequent legislatures have passed laws formulating duties or imposing limitations on the office. In each county the superintendent was directed to establish school districts.[18] Later the fixing of district boundaries was transferred to the commissioners who act on recommendation of the superintendent, and this system of district

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[11] Mont. S. L., 1929, ch. 118, sec. 1; Mont. R. C., 1935, sec. 950.1.

[12] Mont. Ter. S. L., 1871-72, p. 622.

[13] Mont. Pol. C., 1895, sec. 1053; Mont. R. C., 1935, sec. 471.

[14] Mont. S. L., 1921, ch. 229, sec. 3; Mont. R. C., 1935, sec. 466.

[15] Mont. Ter. S. L., 1864-65, p. 437.

[16] Ibid., 1883, p. 54, increased the salary to a maximum of $1,000.

[17] Mont. S. L., 1929, ch. 85, sec. 3; Mont. R. C., 1935, sec. 4871.

[18] Mont. Ter. S. L., 1864-65, p. 434.

(Next entry 232, p. 148)

organization has continued to the present time.[19] Each district has a board of elected directors or trustees which appoints a clerk who also acts as treasurer.[20] This board has general charge of school property, makes special levies for support of the schools, and employs teachers and other employees. The clerk makes the school census and reports this annually to the superintendent and also the amount of taxes levied, the number of pupils enrolled, and other information required.[21]

Financial

The superintendent has financial duties connected with school administration. He apportions school funds to the districts and sees that each district complies with the law regarding tax levies.[22] The clerk of court reports to the superintendent the income from fines and the county clerk that from tax levies. The revenue derived from the permanent school fund, was increased for the poorer districts in 1927 when a Common School Equalization fund was established for the purpose of maintaining a minimum standard of education throughout the State. This fund may be used to help districts that are financially unable to meet these minimum standards. The county superintendent must investigate the need and make the recommendation,[23] to be acted on by the State Board of Education. The object of this is to provide as nearly as the fund will allow nine months of schooling for every child in the State.[24]

Supervision of Teachers

The superintendent of schools has general supervision of the teachers. He has had the duty of examining applicants for teachers' certificates since the formation of the public school system in Montana.[25] For many years he carried most of the responsibility for certification but since 1900 the State Department of Public Instruction has taken closer control of this matter. The county superintendent exercises considerable responsibility in the selection of district school teachers, in the smaller districts which have no district superintendent or principal. He holds institutes for teachers,[26] visits schools, and takes the place of a district

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19. Ibid., 7th sess., 1871-72, p. 623, sec. 17; Mont. R. C., 1935, secs. 968-970.
20. Mont. Ter. S. L., 1864-65, p. 439, sec. 9; p. 440, sec. 4.
21. Mont. Ter. S. L., 1864-65, ch. 2, pp. 434-437; Mont. R. C., 1935, sec. 1015.
22. Mont. Ter. S. L., 1864-65, pp. 434-443; Mont. Pol. C., 1895, secs. 1731-33.
23. Mont. S. L., 1927, ch. 119; Mont. R. C., 1935, sec. 1201.1.
24. Ibid.
25. Mont. Ter. S. L., 1864-65, p. 434; Mont. Pol. C., 1895, sec. 1731.
26. Mont. Ter. S. L., 1877, p. 396; Mont. R. C., 1935, sec. 1105.

superintendent when no other supervision is provided. Teachers must make annual statistical reports to the county superintendent and any additional reports that may be required by the superintendent of public instruction. In schools having a superintendent or principal, such reports are made by him.[27]

The county superintendent must carry out the instructions of the State Superintendent relating largely to the apportionment of school funds and the certification of teachers.[28] He must make annual reports to the State office showing detailed information concerning the schools under his supervision.[29]

In 1913 the duties of the county superintendent were expanded. He was made supervisor of school libraries, truant officer in third class school districts, and placed in charge of the school census.[30]

Reports and Records

Besides the annual statistical report to the State Superintendent[31] he must make an annual statement showing the financial condition of all school districts in the county based on reports from the boards of school trustees.[32] The county superintendent of schools must "keep a record of his official acts" and preserve all reports and statements from school teachers and school boards.[33]

For report to county commissioners, see entry 7.

Census and Apportionment
(See also entries 212-214)

232. CENSUS CARDS, 1934--. 2 f.b. (labeled by contained letters of alph.).
Cards showing names and ages of school children, place of residence, and number of school district. Arr. alph. by children's surnames. No index. Typed. 15 x 7 x 5. Supt. off.

233. SCHOOL CENSUS, 1900--. 21 bdls., 1 f.b.
Lists of children of school age showing names, date and place of birth, sex, name and address of parents, and school district number.

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[27] Mont. Cod. Stat., 1871, p. 628, sec. 38; Mont. S. L., 1913, ch. 76, sec. 803; Mont. R. C., 1935, sec. 1078.
[28] Mont. Ter. S. L., 1872, p. 621.
[29] Mont. Pol. C., 1895, secs. 1734, 1740; Mont. R. C., 1935, secs. 972, 973.
[30] Mont. S. L., 1913, ch. 76, sec. 302; Mont. R. C., 1935, secs. 962, 963, 971.
[31] Mont. Pol. C., 1895, sec. 1740; Mont. R. C., 1935, sec. 973.
[32] Mont. S. L., 1921, ch. 164, secs. 1, 2; Mont. R. C., 1935, secs. 976, 977.
[33] Mont. Pol. C., 1895, sec. 1734; Mont. R. C., 1935, sec. 972.

Arr. chron. by year. No index. Typed. 17 x 12 x 5. Bdls., 1900-1932, C&R bsmt. vlt.; f.b., 1933--, supt. off.

234. REGISTER OF APPORTIONMENT OF DISTRICT SCHOOLS, 1905--. 1 vol.
Shows distribution of funds according to the budgets of the various school districts. Arr. num. by districts. No index. Hdw. on pr. hd. 329 pp. 16 x 12 x 2. Supt. off.

235. BUDGETS, 1935--. 1 f.b.
Budgets of school districts showing amount paid for salaries, fuel, supplies, and maintenance. Arr. num. by district no. No index. Typed. 17 x 12 x 5. Supt. off.

For other budget records, see entry 212.

Teachers and School Officials

236. REGISTER OF DISTRICT SCHOOL OFFICERS, 1906--. 1 vol. (2).
Names and address of school officers, date of election, date term begun, and length of term. Arr. num. by district no. No index. Hdw. on pr. hd. 480 pp. 16 x 12 x 2. Supt. off.

237. CERTIFICATES OF APPOINTMENT OF TRUSTEES AND CLERKS BY COUNTY SUPERINTENDENT, 1933--. 1 f.b.
Certificate of appointment of trustees and clerks to fill vacancies showing date of appointment, name of appointee, and length of term. Arr. chron. by date filed. No index. Hdw. on pr. fm. 17 x 12 x 5. Supt. off.

238. REGISTER OF TEACHERS EMPLOYED, 1911--. 1 vol.
Names and addresses of teachers, term employed, and number of school district. Arr. alph. by names of teachers. No index. Hdw. on pr. hd. 320 pp. 16 x 12 x 2. Supt. off.

239. TEACHERS' CERTIFICATE CARDS, 1919--. 1 f.b.
Name of teacher, type of certificate held, and date and place where certificate was issued. Arr. alph. by names of teachers. No index. Hdw. on pr. fm. 7 x 5 x 35. Supt. off.

240. NORMAL CREDITS, 1934--. 2 f.b.
Teachers' normal school credits showing names of teachers and subjects studied, hours studied, grades obtained, and name of school attended. Arr. alph. by names of teachers. No index. Hdw. on pr. fm. 7 x 5 x 35. Supt. off.

241. QUESTIONS FOR TEACHERS' EXAMINATIONS, 1906--. 2 f.b.
Copies of teachers' examination questions. Arr. chron. by year. No index. Printed. 18 x 17 x 7. Supt. off.

Reports

242. TEACHERS' MONTHLY REPORTS, 1937--. 1 f.b.
Reports of grades, attendance, and ages of pupils. Arr. chron. No index. Hdw. 24 x 12 x 7½. Supt. off.

243. TRUSTEES' ANNUAL REPORTS, 1935--. 1 f.b.
Reports of yearly school attendance, grades and averages, and visits of trustees and patrons. Arr. chron. by year. No index. Hdw. on pr. fm. 14 x 12 x 5. Supt. off.

244. SUPERVISION BLANKS, 1935--. 180 vols.
Register showing school district number, date of report, name of teacher, date of visit, equipment in school, supplies lacking, improvements since last visit, condition of grounds, sanitation, library, magazines, bulletins, number of pupils, and methods of instruction. Arr. chron. by date of visit. No index. Hdw. on pr. fm. Aver. 60 pp. 8 x 5 x ½. Supt. off.

Examinations

245. EIGHTH GRADE RECORDS, 1924--. 1 f.b.
Examination grades of 7th and 8th grade pupils showing names of pupil and teacher. Arr. alph. by names of pupils. No index. Hdw. on pr. hd. 7 x 5 x 35. Supt. off.

246. EIGHTH GRADE EXAMINATION PAPERS, 1935--. 1 f.b.
Examination forms issued by the State Department of Public Instruction showing names of teachers and pupils, names of subjects of examination, and grade. No orderly arr. No index. Printed. 24 x 17½ x 11½. Supt. off.

Districts

247. SCHOOL DISTRICTS AND BOUNDARY RECORDS, 1912-31. 1 vol.
Plats showing boundaries of school districts. Arr. num. by district no. No index. Hdw. on pr. fm. 76 pp. 18 x 14 x 2. Supt. off.

248. BEAVERHEAD COUNTY SCHOOL DISTRICTS, Dec. 16, 1932.
1 map.
Political. Drawn by G. R. Metlen, engineer, and signed by recorder. Published at Dillon, Montana. Black and white photostat, mounted and framed. 1 in. to 4 mi. Size, 40 x 40. Supt. off.

Correspondence

249. GENERAL CORRESPONDENCE, 1932--. 3 f.b.
Official correspondence. Arr. alph. by names of correspondents.

No index. Hdw. and typed. 12 x 12 x 9½. Supt. off.

250. CLERK'S, TRUSTEES', TEACHERS' LETTERS, 1927--. 1 f.b.
Correspondence between superintendent of schools and teachers and district officers. Arr. alph. by subject matter. No index. Hdw. and typed. 24 x 13 x 13. Supt. off.

Miscellaneous

251. MISCELLANEOUS, 1937--. 1 f.b.
Transportation agreements, indemnity bonds to insure execution of contracts, and contracts for fuel, supplies, and maintenance. Arr. chron. by year. No index. Typed. 17 x 12 x 5. Supt. off.

XX. COUNTY HIGH SCHOOL BOARD

Structure

The first law authorizing the establishment of a free county high school was passed in 1899.[1] In 1907 the law was redrafted in greater detail.[2] Further modifications were made in 1913[3] and again in 1931.[4] In all these laws the principles of organization and administration remain the same. The governing body of the county high school is a board of trustees or directors. These were at first six in number,[5] but in 1907 the county superintendent was added as an ex-officio member.[6] The other members are appointed by the county commissioners for a term of two years, one-half going out each year.[7] The board elects its own officers and may pay its secretary a salary. The other members receive no other compensation than mileage.[8] The county treasurer acts as treasurer of the board.[9]

Duties and Powers

The board of trustees is the board of control of the county

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1. Mont. S. L., 1899, pp. 59-64.
2. Mont. S. L., 1907, ch. 29.
3. Mont. S. L., 1913, ch. 76.
4. Mont. S. L., 1931, ch. 148; Mont. R. C., 1935, secs. 1262.3-1262.36.
5. Ibid., 1899, p. 60, sec. 3.
6. Ibid., 1907, ch. 29, sec. 4.
7. Ibid., 1899, p. 59; Mont. R. C., 1935, sec. 1262.4.
8. Ibid., 1931, ch. 148, secs. 8, 9; Mont. R. C., 1935, secs. 1262.8, 1262.9.
9. Mont. S. L., 1907, ch. 29, sec. 7; Mont. R. C., 1935, sec. 1262.7.

high school. It appoints the principal, teachers, and other employees and fixes their salaries; it makes the budget; it provides buildings and grounds for the school; it approves courses of study, provides text books, and makes rules for government of the high school.[10] In practice the principal of the high school is the executive officer of the board which ordinarily accepts his recommendations as long as it trusts him. He submits to it the budget in detail with estimates of the money needed, for what purpose needed, and suggestions as to how it may be obtained. If the board approves, it must submit its request for taxes to the county commissioners who make the high school levy a part of their budget.[11]

The principal makes the recommendations for salaries and appointment of teachers, and these are ordinarily approved by the board. He also submits to the board for approval the course of study, rules for conduct, purchase of text books, and other administrative matters. For special expenses such as buildings where bond issues are required the board prepares the matter for submission to the voters.[12] All business must be transacted in the name of the county.[13] It must also make such reports as are required by the county or State Superintendent.[14]

The board is required to keep records of its official acts, particularly those relating to finances such as contracts, bonds, and warrants, and a book for receipts and expenditures.[15]

Beaverhead County high school was established in 1900 and a board appointed as provided by law. The records of this board are kept in the office of the secretary of the board.

For reports from board, see entry 8; high school warrants, entry 20.

252. MINUTES OF FREE HIGH SCHOOL BOARD, 1900--. 1 vol.
Minutes of proceedings of high school board in all regular and special meetings showing date, members present, and business transacted. Arr. chron. No index. Hdw. and typed. 640 pp. 18 x 13 x 4. Supt. off.

253. HIGH SCHOOL REGISTER OF RECEIPTS AND EXPENDITURES, 1925--. 1 vol.
Register of itemized receipts and expenditures of county high

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[10] Mont. S. L., 1907, ch. 29; Mont. R. C., 1935, sec. 1262.83.
[11] Mont. S. L., 1907, ch. 29, sec. 8; Mont. R. C., 1935, secs. 1262.12, 1263.18, 1263.19.
[12] Mont. S. L., 1907, ch. 29, sec. 14; Mont. R. C., 1935, secs. 1262.10, 1262.12.
[13] Mont. S. L., 1931, ch. 148, sec. 83.
[14] Mont. S. L., 1907, ch. 29, sec. 12; Mont. R. C., 1935, sec. 1262.83.
[15] Ibid.

school funds showing dates, purpose of expenditures, and source of receipts. Arr. chron. by dates of receipts and expenditures. No index. Hdw. 322 pp. 24 x 15 x 3. Supt. off.

254. HIGH SCHOOL CLAIMS, 1935--. 2 f.b.
Claims filed with board for various items of expense showing name of claimant, date, and amount of claim. Arr. chron. No index. Hdw. and typed. 17 x 15 x 5. Supt. off.

XXI. COUNTY BOARD OF HEALTH

Structure of Board

The first county boards of health in Montana were set up in 1883. The membership consisted of the county commissioners and one physician appointed by them, to serve as ex-officio secretary of the board of health and county health officer.[1] His term of office was fixed at two years, and his salary and official bond were determined by the county commissioners.[2] The Constitution of 1889 made no provision for a board of health and the old law continued. In 1901 a new law was enacted creating a board of health for the State with authority over the county boards and over city boards of health. The State Board of Health is composed of physicians appointed by the Governor from nominees named by the State Medical Association. It selects its own secretary and determines its organization.[3]

The law relating to the composition and organization of county boards of health has changed but little. The board is required to meet quarterly, the term of the physician is to be "at the pleasure of the board," and if the county fails to appoint a health officer the State Board may do so.[4]

Originally the jurisdiction of the county board of health applied to the whole county,[5] but a law in 1907 deprived it of authority over incorporated towns unless by special agreement.[6]

Duties and Responsibilities

The law assigns similar responsibilities to State, county, and

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1. Mont. Ter. S. L., 1883, p. 46, secs. 1-5.
2. Ibid.
3. Mont. S. L., 1901, p. 83, secs. 1, 9; Ibid., 1907, ch. 110, secs. 1-6.
4. Mont. S. L., 1901, p. 83, secs. 9, 14; Mont. R. C., 1935, secs. 2473-2475.
5. Mont. S. L., 1883, p. 46, sec. 2.
6. Mont. S. L., 1907, ch. 110, sec. 11.

local boards of health; to guard against communicable diseases, to investigate sanitary conditions, particularly in public places, and to advise regarding better means of sanitation. The State Board of Health makes regulations that supplement the laws relating to health and the county boards administer them[7] but may also make regulations of their own not contrary to those of the State Board.

The secretary of the State Board of Health supervises the work of the county and local boards and cooperates with them in enforcement of the law and in administration. He furnishes blank forms and instructions for them and they must report to him. He shall, whenever requested by any local or county health officer, or when he deems it necessary, visit any district to investigate disease or sanitary conditions and shall disseminate information on how to combat contagious diseases. He may also file complaints against local and county health officers and may secure their removal by the county board of health.[8]

County and local health officers shall make sanitary inspections, make rules for sanitation in tourist camps and all public places, close public buildings during epidemics, and with the approval of the Secretary of the State Board of Health may prevent assemblies of people during such times.[9] They abate nuisances affecting public health, may quarantine cases of contagious diseases, and establish isolation hospitals or wards for persons suffering from dangerous contagious diseases.[10]

The county health officer must report all cases of communicable diseases known to him to the State health office, and at the quarterly meetings of the county board he shall present reports on health and sanitation and of his own activities, and send a copy of the report to the State Board.[11]

Registration of Vital Statistics

In 1895 the law provided that all persons registering marriages, births, and deaths must file quarterly with the county clerk

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[7] Ibid., 1901, p. 83, secs. 10, 11; Ibid., 1907, ch. 110, secs. 2, 21; Mont. R. C., 1935, secs. 2448, 2475.

[8] Mont. S. L., 1907, ch. 110, sec. 6; Mont. R. C., 1935, sec. 2447.

[9] Mont. S. L., 1907, ch. 110, sec. 14; Mont. R. C., 1935, sec. 2467.

[10] Mont. S. L., 1907, ch. 110, sec. 16; Mont. R. C., 1935, sec. 2469.

[11] Ibid., sec. 2476.

a certified copy of their registers.[12] In 1907 the law created a State Bureau of Vital Statistics to be under direct supervision of the Secretary of the State Board of Health who was designated as State Registrar, and with the county and city health officers as local registrars. Sub-registrars might be appointed if necessary and justices of the peace were required to act as local registrars to register births and deaths. Originals of all birth and death certificates must be sent to the secretary of the State Board of Health and copies must be retained in the office of the registrar.[13] All of these regulations have continued in force to the present.[14] The law of 1907 made no provision for filing duplicates with the county clerk but an act of 1919 required this to be done.[15]

Child Welfare

In 1917 the legislature created the Child Welfare Division of the State Board of Health. This division was directed to carry on a campaign of public health education, and to make and enforce regulations for the better protection of the health of children. It was empowered to employ school nurses, and the county commissioners were authorized to employ county nurses to work under the child welfare division. In Beaverhead County a county nurse has been employed since 1924. The State Board of Health makes rules for these employees regarding the keeping of records and making reports.[16]

255. FAMILY FOLDER, 1924--. 1 f.b.
Folders of case histories containing:
- i. Child Health Supervision showing family number; name, address, sex, color, economic status, and place and date of birth of patient; prenatal care, condition at birth, development after birth, diseases experienced, and immunizations; treatment at home or at clinics, illnesses under medical care, observations and general habits noted at visits with services rendered and comments on progress, name of nurse, fee charged, and date last seen by physician.
- ii. Family cases showing family number, name and address of head of family, and location and description of

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12. Mont. Pol. C., 1895, sec. 2873.
13. Mont. S. L., 1907, ch. 25, sec. 12.
14. Mont. R. C., 1935, sec. 2533.
15. Mont. S. L., 1919, ch. 68, sec. 1; Mont. R. C., 1935, sec. 2518.
16. Mont. S. L., 1917, ch. 121, secs. 1-6; Mont. R. C., 1935, secs. 2503-2508.

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Child Welfare

In 1917 the legislature created the Child Welfare Division of the State Board of Health. This division was directed to carry on a campaign of public health education, and to make and enforce regulations for the better protection of the health of children. It was empowered to employ school nurses, and any county commissioners were authorized to employ county nurses to work under the child welfare division. In Greenwood County a county nurse has been employed since 1924. The State Board of Health makes rules for these employees regarding the keeping of records and making reports.[16]

325. FAMILY FOLDERS, 1924--. 1 f.d.
Folders of case histories containing:
- i. Child Health Supervision showing family number, name, address, age, color, economic status, and place and date of birth of patient; prenatal care, description of birth, development after birth, diseases experienced, and immunizations; treatment at home or elsewhere, illnesses under medical care, observations and general habits noted on visits with remarks made and comments on progress, name of nurse, the physician, and date last seen by physician.
- ii. Family cards showing family number, name and address of head of family, and location and description of

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12. Acts, S. C., 1903, sec. 1873.
13. Acts, S. C., 1907, ch. 35, sec. 12.
14. Code, S. C., 1932, sec. 5036.
15. Acts, S. C., 1919, ch. 50, sec. 1; Code, S. C., 1932, sec. 5010.
16. Acts, S. C., 1917, ch. 121, secs. 1-5; Code, S. C., 1932, secs. 5025-5031.

facilities in home; names, color, marital status, birthplace, birthdate, and whether living or dead for parents; names, sex, living or dead, living separate from family or not, birthplace, and birthdate of children; sex, age, and relationship to family of other lodgers, if any; economic status, occupational history, citizenship status, and social service agencies interested in case; summary of case.

iii. Maternity record showing family number; name, address, color, marital status, date and place of birth, economic status, and diseases, if any, of patient; name of attendant, history of past and present pregnancies, and condition of patient before and after childbirth.

iv. Morbidity record showing name, address, sex, color, marital status, age, date and place of birth, economic status, occupation, and symptoms of patient; remarks based on first visit, diagnosis, and name and address of physician; whether or not insured; dates admitted and discharged, condition and reason for discharge and place transferred to; history of treatment of case showing physician's orders, and condition and care of patient at various times.

v. School follow-up record showing family number; name, address, sex, color, and date of birth of pupil; date and reason for interview, personal hygiene of pupil, defects or illnesses under dental or medical care, remarks, and name of nurse.

vi. Tuberculosis record showing name, address, sex, color marital status, age, date and place of birth of patient, and place of birth of patient's mother; occupations, history of illness, condition at first visit, name of physician, and diagnosis; results of examination of family and household contacts, whether or not insured, dates admitted and discharged, condition and reason for discharge, and where transferred to; history of care of case.

Arr. num. by folder no. For index, see entry 256. Typed on pr. fm. 20 x 8½ x 6. Com. rm.

256. IDENTIFICATION INDEX, 1924--. 1 f.b.
Index to Family Folder, entry 255, showing surname of family, name and address of head of family, family folder number, name of father, mother and children, giving birth date and dates each case admitted and dismissed; address, direction to reach address and notes. Arr. alph. by surname of family. Typed on pr. fm. 16 x 5½ x 4. Com. rm.

257. BIRTH INDEX, 1924--. 1 f.b.
Card file register of births showing family folder number, name and address of baby and parent, date of birth, attendant at birth, place born, date of nurse's visits and remarks; immunization received

within a year after birth. Arr. alph. by surname of baby. Typed on pr. fm. 16 x 5½ x 4. Com. rm.

258. IMMUNIZATION INDEX, 1924--. 1 f.b.
Card file register of immunizations showing family folder number, name and address, date of birth, name of school, and dates and results of immunizations given. Arr. alph. by name of person immunized. Typed on pr. fm. 16 x 5½ x 4. Com. rm.

259. SCHOOL HEALTH RECORD, 1924--. 1 f.b.
Card file register of health of school children showing family folder number, name and address of pupil and parents, sex, color, date of birth, disease experience, kind and date of immunization and medical and nurse's inspection; summary of school nursing service. Arr. num. by family folder no. No index. Typed on pr. fm. 20 x 8½ x 6. Com. rm.

260. PUBLIC HEALTH NURSE'S MONTHLY REPORT, 1924--. 1 f.b.
Duplicate reports to State Board of Health showing name of county, date of report, name and address of nurse, communicable and venereal disease control, tuberculosis control, maternity service, infant and pre-school hygiene, school hygiene, adult hygiene, morbidity service, crippled children service, and general information. Arr. chron. by date of report. No index. Typed on pr. fm. 24 x 12 x 9. Com. rm.

261. CORRESPONDENCE, 1924--. 1 f.d.
Miscellaneous correspondence pertaining to official business of county health office. Arr. alph. by name of correspondent. No index. Hdw. and typed. 24 x 12 x 9. Com. rm.

XXII. COUNTY PHYSICIAN

Structure

Provision for the county commissioners to furnish nursing and medical attention to sick persons unable to pay such expenses was made by the first Territorial legislature.[1] This provision was amended in 1876 by a law that required the commissioners annually at their September session to make a contract with a physician to furnish medical care to the poor.[2] In 1885 the time for letting such annual contract was changed to the December session of the board.[3] An amendment in 1917 gave the commissioners authority to award the county physician's contract to the same physician appointed by them as county health officer, and to award additional

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1. Mont. Ter. S. L., 1st sess., 1864-65, pp. 458, 459, sec. 6.
2. Ibid., 9th sess., 1876, pp. 52, 53, sec. 7.
3. Ibid., 14th sess., 1885, p. 71, sec. 1.

compensation to that official for serving as county physician.[4] An amendment in 1927 provided that the boards of county commissioners of two or more adjacent counties may unite to employ a special deputy located at a point where he can readily serve the needs of the poor of their respective counties, and such boards shall fix the compensation of the deputy, with each county bearing the cost by some equitable division.[5] The original act of 1876, with its several amendments, is now the law.[6] In addition to the compensation provided by his contract with the county commissioners, the county physician from 1907 to 1921 was entitled to fees for serving as ex-officio county oil inspector.[7] The law of 1876 gave the commissioners power to fix the official bonds at from $1,000 to $5,000, the bond to be approved by and filed with the probate judge.[8] The Constitution of 1889 transferred to the district judge the duty of approving official bonds and the filing of such bonds to the office of the clerk of court.[9] A law of 1895 reenacted the provisions of 1876 with the exception that the official bonds were to be approved by and filed with the chairman of the board.[10]

Duties

The county physician is required by his contract with the county commissioners to furnish medical care[11] and medicine[12] to the poor, and to inmates of the county jail. An act of 1907 made the county physician ex-officio oil inspector with the duty of testing samples of oil brought to him.[13] This provision was repealed in 1921.[14] The duty of signing certificates of disability for qualified residents of the county who apply for admission to the Montana Soldiers' Home was given to the county physician in 1895.[15] The law does not specify any records to be kept by the county physician.

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[4] Mont. S. L., 1917, ch. 31, sec. 1.

[5] Ibid., 1927, ch. 55, sec. 1.

[6] Mont. R. C., 1935, sec. 4527.

[7] Mont. S. L., 1907, ch. 121, sec. 3; Ibid., 1921, ch. 109, sec. 4.

[8] Mont. Ter. S. L., 9th sess., 1876, p. 53, sec. 7.

[9] Const., 1889, art. 20, sec. 1.

[10] Mont. Pol. C., 1895, sec. 3208; Mont. R. C., 1935, sec. 4529.

[11] Mont. Ter. S. L., 9th sess., 1876, pp. 52, 53, sec. 7.

[12] Mont. Pol. C., 1895, sec. 3206; Mont. R. C., 1935, sec. 4527.

[13] Mont. S. L., 1907, ch. 121, sec. 3; Mont. R. C., 1907, sec. 2117.

[14] Mont. S. L., 1921, ch. 109, sec. 4.

[15] Mont. Pol. C., 1895, sec. 2517; Mont. R. C., 1935, sec. 1535.

XXIII. COUNTY OLD AGE PENSION COMMISSION

Structure

In 1923 the legislature passed an Old Age Pension Act which designated the county commissioners as old age pension commissions in their respective counties.[1] Anticipating passage of the Federal Social Security Act the legislature passed an act in 1935 to meet requirements if Federal funds should be made available. A State Old Age Pension Commission was established and the county commissioners together with the county relief commission were designated to serve as the county old age pension commission.[2] When the Public Welfare Act was passed in 1937 the county welfare boards and personnel assumed the duties and powers of administering old age pensions.[3]

Powers and Duties

The Act of 1923 gave the county old age pension commission power to prescribe forms for pension applications,[4] to determine and certify the amount of payments,[5] to suspend payments,[6] and to pay funeral expenses not exceeding $100 upon death of the recipient.[7] The commission was authorized to demand assignment or transfer of the pensioner's property to the county to be held in trust until his death when the amount of the pension payments would be deducted from the estate.[8] Payments were made by warrant from the county poor fund.[9] The commission was required to make an annual report to the State Auditor listing the number of recipients and applicants and the amount of payments.[10]

These provisions were reenacted in 1935,[11] except that funeral expenses for the recipient were not provided for and the commission's report to the auditor was not required. The county commission was placed under the supervision of the State Commission which had power to prescribe rules and regulations binding on the county commissions, to supply forms and affidavits to be used, and to require reports from the county commissions.[12] Although the county

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[1] Mont. S. L., 1923, ch. 72, sec. 1.
[2] Ibid., 1935, ch. 170, secs. 1, 2.
[3] Ibid., 1937, ch. 82, pt. 1, sec. 9, p. 160.
[4] Ibid., 1923, ch. 72, sec. 8.
[5] Ibid., 1923, ch. 72, sec. 9.
[6] Ibid., 1923, ch. 72, sec. 11.
[7] Ibid., 1923, ch. 72, sec. 12.
[8] Ibid., 1923, ch. 72, sec. 6.
[9] Ibid., 1923, ch. 72, sec. 10.
[10] Ibid., 1923, ch. 72, sec. 21.
[11] Ibid., 1935, ch. 170, secs. 4, 7, 17, 22.
[12] Ibid., 1935, ch. 170, sec. 19.

was still required to levy taxes and make payments for the pensions, the State was to reimburse the counties, from State funds and funds received from the Federal government, in amounts not exceeding seventy-five percent of amounts expended for pensions.[13]

In 1937 an emergency act was passed requiring the county commissioners to certify to the State Commission the amount of funds required to make payments for each succeeding month. Upon receiving this notice the State Commission should transmit to each county the full amount required for such payments.[14] This act was made inoperative after May 1, 1937[15] and was replaced by the Public Welfare Act of that year.[16]

Records

There was no provision for keeping records in the Act passed in 1923, but in 1935 the county commission was required to keep such records and accounts as the State Old Age Pension Commission might prescribe.[17]

262. (MINUTES OF OLD AGE PENSION COMMISSION), 1923-37. In Commissioners' Journal, entry 1.
Minutes of board meetings showing names of applicants for old age pensions, data as to need for assistance, and action of board on individual cases.

XXIV. COUNTY BOARD OF PUBLIC WELFARE

Public Welfare under Territory

Relief and social welfare have been part of the responsibility of the county commissioners, either officially or ex-officio, since the establishment of county government in Montana. The first Territorial legislature vested in them "entire and exclusive superintendence of the poor" and succeeding legislatures gave them directions as to how this power should be exercised.[1] During the

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[13] Ibid., 1935, ch. 170, sec. 8.
[14] Ibid., 1937, ch. 27, secs. 2, 3.
[15] Ibid., 1937, ch. 27, sec. 8.
[16] Ibid., 1937, ch. 82.
[17] Ibid., 1935, ch. 170, sec. 8.
[1] Mont. Ter. S. L., 1st sess., 1864-65, p. 457; Ibid., 8th sess., 1874, p. 72; Ibid., 9th sess., 1876, pp. 51-56, secs. 7, 8; Ibid., Ex. S. L., 1887, p. 102, sec. 56.

Territorial period the commissioners were directed to provide medical care for the indigent sick and this provision has continued since.[2] They were also empowered to purchase lands and construct hospitals for the treatment of the poor, and to appoint officials to manage these institutions.[3] They were authorized to purchase a "poor farm" if they deemed it advisable and to make decisions regarding its management.[4] They also received the power, at their discretion, of granting direct relief.[5] In order to protect the poor fund the law forbade the transfer of any part of it to other uses, under penalty of fine or imprisonment.[6]

Statehood

The *Constitution of 1889* provided that "the several counties . . . shall provide as may be prescribed by law for those inhabitants, who by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of society."[7] This provision gave to the State the greatest latitude in providing for relief and social welfare.

In 1895 the first of the *State codes redefined the Territorial laws* relating to relief and social welfare and some changes were made. Greater insistence was placed upon the duty of relatives to care for their dependents.[8] The commissioners were empowered to let contracts for the care of the poor especially for their medical needs and for medicines,[9] to provide institutions for the poor, and to give direct relief.

By the codes of 1895 provision was made for the *care of minors who were deaf, dumb, blind, and feeble-minded.* The clerk of the school board in each district was required to report annually to the county superintendent of schools the names of all minors who were thus afflicted, together with the names of their parents or guardians. The superintendent then reported this list to the superintendents of the schools for the blind, deaf, or feeble-minded. If the person sent to one of these homes was too poor to pay for maintenance, the judge of the district court ordered the costs to be charged against the county and the commissioners should

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2. *Ibid.*, 1864-65, pp. 458, 459; *Ibid.*, 1876, pp. 52, 53; *Mont. R. C.*, 1935, sec. 2473.
3. *Ibid.*, 1886, ch. 29, p. 80, secs. 3-5.
4. *Ibid.*, 1876, p. 56, sec. 14.
5. *Commissioners' Journal*, entry 1, contains many instances.
6. *Mont. Ex. S. L.*, 1887, p. 102, sec. 56.
7. *Const.*, 1889, art. 10, sec. 5.
8. *Mont. Pol. C.*, 1895, ch. 11, secs. 3201, 3202.
9. *Ibid.*, secs. 3204-6.

"allow and pay for same out of the county treasury."[10]

By a statute of 1903 provision was made whereby the county might care for its orphans. Under this law applications were made to the county superintendent of schools who made a complete investigation of the case and reported to the board of county commissioners. The report and application were then submitted to the Board of Trustees of the Orphans' Home, at whose discretion the child was then admitted.[11] The law also assigned to the county superintendent the duty of enforcing compliance with regulations in adoption cases.[12] In 1929 this provision was repealed and the District Judge was given the duty of receiving applications and the authority to make commitments subject to an investigation by the State Bureau of Child Protection or some individual designated by the court.[13]

In 1915 a mothers' pension law was enacted by which the county assumes support of indigent widowed mothers with children. The task of administering this law was assigned to the district court[14] and remained a part of its responsibilities. In 1933, when the duties were transferred to the board of county commissioners,[15] the commissioners made the investigation personally or intrusted the duty to the clerk, and the county clerk kept the records of their proceedings in the Commissioners' Journals.

In 1923 the Montana legislature decided to make better provisions for old people who were no longer able to work and who had saved nothing for retirement. It, therefore, set up an old age pension commission in each county to consist of the board of county commissioners. This board was to conduct investigations and hearings on applications for old age pensions and to pass upon the merits of all cases.[16] In 1935 the legislature established the State Old Age Pension Commission which was also the State Relief Commission and gave it authority to make "such rules and regulations necessary to carry out the provisions of this act." It was to have supervision over the county old age pension commission which by this law was to be composed of the county commissioners and a relief committee, designated by the Montana State Relief Commission. This county old age commission was directed to "keep such records and accounts of old age assistance as the State old age pension administration shall require."[17]

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[10] Mont. Pol. C., 1895, secs. 2344, 2345; Mont. R. C., 1935, sec. 1463.
[11] Mont. S. L., 1903, ch. 40, secs. 1, 4.
[12] Ibid., sec. 2.
[13] Ibid., 1929, ch. 82, secs. 1, 2.
[14] Mont. S. L., 1915, ch. 86, sec. 1.
[15] Ibid., 1933, ch. 133.
[16] Ibid., 1923, ch. 72.
[17] Ibid., 1935, ch. 170.

Public Welfare Act

In 1937 the Public Welfare Act consolidated into one organization all State and county welfare work that is non-institutional in character. It set up a State Department of Public Welfare and boards of public welfare in the counties. To the State Board were transferred the powers and duties of the "Montana Relief Commission, Montana Old Age Pension Commission, Montana Orthopedic Commission, State Bureau of Child and Animal Protection, and State Board of Charities and Reform." "All books, records, maps, papers, money and property of any kind or description and all funds appropriated to any of them" were designated as belonging to the State Department of Public Welfare.[18]

The State Board was given authority and responsibility of exercising general supervision and control over the county boards and for the adoption of such "general policies, rules, and regulations" as are necessary for the management of the county departments "to maintain such records and render such reports" as it might deem necessary.[19] To enforce its authority over the counties the State Department can with-hold grants of aid to those counties that do not comply with the law or regulations.[20] Furthermore, any individual has the right of appeal from any decision of the county board to the State Board which must then pass upon his complaints.[21]

For the counties, the commissioners were designated as ex-officio the county welfare board. The county clerk was named its secretary, and the county attorney its legal advisor.[22] This board has authority to appoint all other officers or employees of the department but these appointees must meet the qualifications required by the State Department of Public Welfare. The commissioners fix the salaries of the staff and determine their bonds. The staff is appointed by the merit system and may be removed only for cause. These appointees are responsible to the county board but subject to supervision by the State Board "in respect to the efficient and proper performance of their duties."[23]

The "county department of public assistance" has charge of "all forms of public assistance and welfare operations in the county including general relief, old age assistance, aid to dependent children, aid to needy blind and child protection and welfare."[24] County institutions such as the county farm and the county hospital are still under control of the commissioners. The county welfare

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[18] Mont. S. L., 1937, ch. 82, pt. 1, sec. 2, p. 155.
[19] Ibid., pt. 1, sec. 3, p. 156.
[20] Ibid., pt. 1, sec. 8, p. 160.
[21] Ibid., pt. 1, sec. 12, p. 162.
[22] Ibid., pt. 1, sec. 9, p. 160.
[23] Ibid., pt. 1, sec. 10, p. 161.
[24] Ibid., pt. 1, sec. 11(a), p. 162.

department has absorbed, however, the non-institutional relief work of the county commissioners, the old age pension commission, and the county auditor,[25] and the relief records of all these offices belong to the county welfare office. Blank forms for applications and other records are furnished by the State Board[26] which controls its record system. The county department "shall keep such records and make such reports and in such detail as the State Department may require."[27]

263. (MINUTES OF BOARD OF PUBLIC WELFARE), 1937--. In Commissioners' Journal, entry 1.
Proceedings at meetings showing hearings and decisions on mothers' pensions, relief and certification on Works Progress Administration, and other applications for assistance.

264. APPLICATIONS FOR WPA (Certifications) AND GENERAL RELIEF, 1937--. 2 f.b.
Detailed information on applicant showing age, dependents, former employment, financial condition, and references. Arr. alph. by name of applicant. No index. Hdw. on pr. fm. 14 x 12 x 24. Relief off.

265. APPLICATIONS FOR AID TO DEPENDENT CHILDREN, 1937--. 1 f.b.
Gives age and sex of children, names and residence of parents or guardians, and aid from other sources, if any. Arr. alph. by name of applicant. No index. Hdw. on pr. fm. 14 x 12 x 24. Relief off.

For prior records, see entries 1, 159.

266. APPLICATIONS FOR OLD AGE ASSISTANCE, 1937--. 1 f.b.
Showing date of application, name, age, sex, residence, financial resources, and references. Arr. alph. by applicant's name. No index. Hdw. on pr. fm. 14 x 12 x 24. Relief off.

267. WPA CERTIFICATIONS, 1936--. 4 f.b.
Giving name and residence of person certified, number assigned to applicant, date certified, and classification. Arr. alph. by name of applicant. No index. Hdw. on pr. fm. 6 x 4 x 12. Relief. off.

268. SURPLUS COMMODITY CARDS, 1937--. 1 f.b.
Shows name of recipient, date, and description of supplies received during month. Arr. alph. by name of recipient. No index. Hdw. on pr. fm. 6 x 4 x 12. Relief off.

269. CORRESPONDENCE AND REPORTS, 1937--. 1 f.b.
Official correspondence, bi-monthly WPA reports, and monthly

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[25] Ibid., pt. 1, sec. 11(a), p. 162.
[26] Ibid., pt. 3, sec. 1(d), p. 171.
[27] Ibid., pt. 1, sec. 20, p. 166.

welfare and surplus commodity reports to State office. Arr. chron. by date of report. No index. Hdw. on pr. fm. 14 x 12 x 24. Relief off.

XXV. COUNTY SURVEYOR

Structure

The office of county surveyor was established in 1865, by the first legislative assembly of Montana Territory,[1] and was continued by the Constitution of 1889.[2] By a law passed in 1919 the county surveyor was described also as road supervisor and county engineer.[3] The term of office was fixed in 1865 at two years and continued the same under the Constitution until 1938 when an amendment extended it to four years.[4] The official bond for county surveyor in all counties was fixed in 1865 at $1,000,[5] and remains the same.[6] During the Territorial period the commissioners passed upon the sufficiency of the bond,[7] but since 1895 this duty has been assigned to the judge of the district court.[8] The compensation of the county surveyor during the Territorial period depended upon fees, and in counties where the registered vote is less than 15,000 the fee system continues.[9]

Duties and Records

The first legislature of Montana Territory directed the county surveyor to make surveys for the county and private individuals if requested to do so and to make reports to the county commissioners on matters relating to highways and public works and to "keep a correct and fair record of all surveys made by him."[10] In 1895, the legislature directed the surveyor to keep a plat book in addition to the other records.[11]

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1. *Mont. Ter. S. L.*, 1864-65, p. 519.
2. *Const.*, 1889, art. 16, sec. 5.
3. *Mont. S. L.*, 1919, ch. 50, sec. 2.
4. *Mont. Ter. S. L.*, 1864-65, p. 519, sec. 1; *Const.*, 1889, art. 16, sec. 5; *Ibid.*, as amend. 1938.
5. *Mont. S. L.*, 1864-65, p. 519.
6. *Mont. R. C.*, 1935, sec. 466.
7. *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 519.
8. *Mont. Pol. C.*, 1895, sec. 1053; *Mont. R. C.*, 1935, sec. 471.
9. *Mont. Pol. C.*, 1895, secs. 4592, 4639; *Mont. R. C.*, 1935, secs. 1622.1, 4921.
10. *Mont. Ter. S. L.*, 1st sess., 1864-65, p. 519.
11. *Mont. Pol. C.*, 1895, sec. 4470.

270. MAPS, 1870--. 200 maps.
Plats, maps, blueprints, and tracings of roads, ditches, ranches, and mining claims, made by various county surveyors. Physical and political. No obvious arr. Scale varies. Sizes vary. Surv. off.

XXVI. COUNTY FAIR COMMISSION

Before 1903 county fairs were carried on by voluntary associations, but in that year the legislature authorized the county commissioners to appoint a County Agricultural Farm Commission to carry on a county fair and authorized the commissioners to appropriate money for this purpose.[1] The board has supervision and management of the fair grounds including the leasing of the buildings and grounds, and control and operation of fairs.[2] It has no mandate to keep records but makes reports to the county commissioners. Beaverhead County has had a fair commission only on occasions when fairs were held.

For fair commission reports, see entry 9; county fair warrants, entry 19.

XXVII. COUNTY EXTENSION AGENT

Structure of Office

In 1913 the legislature authorized the county commissioners of each county to appropriate $100 a month to pay part of the salary and expenses of a county agricultural instructor. This official was to be nominated by and be under the supervision of the director of the Montana Agricultural Experiment Station. The remainder of the salary and expenses was to be paid from funds appropriated by the State legislature or by the Congress of the United States government, or from funds set apart for this purpose by any department of the United States government.[1]

Two years later the law was amended to give the power of appointing and supervising the "county agriculturist" to the President of Montana State College, with the approval of the county commissioners. This amendment also provided that the county appropriation of $100 per month was to be paid monthly to the treasurer of Montana State College to be applied to the salary and expenses of the county agriculturist.[2]

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[1] Mont. S. L., 1903, ch. 67, sec. 1; Mont. R. C., 1935, sec. 4545.
[2] Mont. S. L., 1935, ch. 52, sec. 2; Mont. R. C., 1935, sec. 4545.1.
[1] Mont. S. L., 1913, ch. 109, sec. 1.
[2] Ibid., 1915, ch. 54, sec. 1.

(Next entry 271, p. 168)

In 1919 the law was again amended to permit the county commissioners to make appropriations from the general funds of the county treasury, or from funds provided by special levy, for the purpose of "carrying on extension work in agriculture and home economics within the county in cooperation with the Montana State College and the United States Department of Agriculture."

This amendment removed the limitation of $100 a month for county appropriations for this office and made the amount and expenditure of the county's appropriation, the responsibility for the direction of the work, the procedure of appointing agents, and the compensation and conditions of service of such agents subject to annual agreements between the county commissioners, the County Farm Bureau, and the Montana State College.[3]

The law and amendments to it were enacted to conform to the provisions of the Smith-Lever Act, passed by the Congress of the United States, May 8, 1914.[4]

Salary of the county extension agent is provided for in each year's contract and is paid partly by the county and partly through the Extension Division of the Montana State College. The county commissioners must provide for the county's share of the expense of the office in each year's budget and unless this is done the office is discontinued. The agent is appointed for one year, and if the contract is renewed, the agent, as a rule, is again appointed. Graduates in agriculture from Montana State College or some other reputable college granting degrees in agriculture are usually appointed to the office. This qualification, however, is not mandatory. No official bond is required.[5]

Type of Duties Performed

The work of the county extension agent involves giving instruction and practical demonstrations in agriculture and imparting information on subjects pertaining to agriculture through field demonstrations and publications.[6] In Beaverhead County the work of the county extension agent features the livestock industry as the county is a noted grazing area of the State. Improvement of livestock, pastures, and ranges occupies a large share of the county agent's time.[7]

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[3] Ibid., 1919, ch. 13, sec. 1; Mont. R. C., 1935, sec. 4487.
[4] United States Statutes at Large, vol. 38, p. 372.
[5] Mont. S. L., 1913, ch. 109, sec. 1; Ibid., 1915, ch. 54, sec. 1; 1919, ch. 13, sec. 1; Mont. R. C., 1935, sec. 4487.
[6] United States Statutes at Large, vol. 38, p. 372.
[7] Annual report, 1938, of county extension agent, Beaverhead County.

The first county agricultural agent, or demonstration [illegible], was appointed in 1924 and the office has [illegible] since [illegible]. Part of the records of the office have been sent to the State College Experiment Station at Brookings.

271. PERMANENT RECORD FILE, 1924--. 2 f.d. (A, B).
Original instruments including farm crops programs, [illegible], potato certification, livestock, 4-H girls, range and [illegible], shelter belt projects, and State programs and projects; annual reports, budgets, monthly expense claims, and special accounts. Arr. alph. by subjects. No index. Typed and mimeographed. 24 x 14 x 12. Co. agent off.

272. CORRESPONDENCE AND SUBJECT MATTER FILES, 1924--. 3 f.d. (A, B).
Correspondence with State relief officials, extension directors, county agent leader, State club leader, [illegible], fair boards, farm and livestock organizations, [illegible], and agricultural districts concerning government emergency loans, feeds and nutrition, and 4-H clubs. Arr. alph. by subjects. No index. Typed. 24 x 15 x 12. Co. agent off.

273. GENERAL INFORMATION FILE, 1924--. 1 f.d.
Information and correspondence relative to various insects, livestock and farm associations, and shippers' and growers' organizations. Arr. alph. by subjects. No index. Typed. 24 x 14 x 12. Co. agent off.

274. MISCELLANEOUS BULLETIN FILE, 1924--. 1 f.d.
Bulletins of extension service relative to projects, programs, and instructions for various activities of county agents. Arr. alph. by subjects. No index. Typed, mimeographed, and pr. 24 x 14 x 12. Co. agent off.

XLVIII. HOME DEMONSTRATION AGENT

The law authorizing the county commissioners to provide for a demonstration agent in home economics was passed in 1919.[1] The statutory provisions of the office are the same as for the county extension agent.[2] Duties of the home demonstration agent are to teach home economics, particularly to the women on farms.[3] This work is generally accomplished by the organization of home demonstration clubs. The first home demonstration agent for [illegible] County was appointed in [illegible] and the office has been filled since that time.

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1. Laws, S. D., 1919, ch. 13, sec. [illegible]; Laws, S. D., [illegible], ch. [illegible], sec. [illegible].

2. See pp. [illegible].

3. [illegible] Circular [illegible], vol. [illegible], p. [illegible].

275. PERMANENT FILE, 1934--. 1 f.b.
Copies of annual reports from home demonstration agent to the State director showing activities in county pertaining to food, clothing and home management, outlining the program for each project, and showing the progress made; minutes of home demonstration council showing date and place of meeting and business transacted; 4-H Club programs showing location of Club, nature of projects undertaken, and progress made. Arr. alph. by subject. No index. Typed on pr. fm. 31 x 14 x 11. Home demonstration agent off.

276. CORRESPONDENCE, 1937--. 1 f.b.
Correspondence with State office, home demonstration clubs, 4-H Clubs, and monthly statements of expenses incurred by the office. Arr. alph. by name of correspondent. No index. Typed. 31 x 14 x 11. Home demonstration agent off.

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LIST OF COUNTY OFFICIALS[1]

Commissioners

George Chrisman, 1864
A. J. Smith, 1864-65
Elizah Moore, 1864
C. O. Frank, 1864-65
G. G. Stevens, 1864-65[2]
D. E. Metlen, 1870-73
A. F. Heath, 1870
F. L. Graves, 1870
Wm. Sturges, 1871
A. F. Graeter, 1871
Issac Roe, 1872-73
N. M. Wood, 1872
Wm. C. Orr, 1873-75
A. F. Graeter, 1874-75
George M. Brown, 1874-77
E. D. Levitt, 1876-77
A. M. Morrison, 1876-77
James L. Hamilton, 1878-81
Wm. B. Carter, 1878-81
D. E. Metlen, 1878-82
C. W. Turner, 1882-83
Phillip Lovell, 1882-85
O. W. W. Rote, 1884-85
John Wells, 1884-85
Alonza Picket, 1886
George M. Brown, 1886-91
W. M. Oliver, 1886-94
J. W. Johnson, 1886-87
George Woodworth, 1889-92
T. B. Carver, 1893-94
W. T. Mauldin, 1893-94
Henry Thompson, 1895-96
George Galbreath, 1895-96
O. M. Best, 1895-1900
Wm. Montgomery, 1897-1908
Thos. G. Hamilton, 1897-1900
D. D. McKnight, 1901-8
W. M. Oliver, 1901-8
P. W. Francis, 1909-12
H. C. Patterson, 1909-14
W. C. Orr, Jr., 1909-16
Theodore Nelson, 1913-20
D. D. McKnight, 1915-17
J. E. Shaw, 1917-28
O. M. Best, 1919-20
O. C. Gossman, 1921-30
A. L. Anderson, 1923-32
Martin Jackson, 1929--
W. B. Hartwig, 1931--
E. B. Rife, 1933-38
Archie Henneberry, 1939--

County Auditor[3]

R. W. Boone, 1915-18
W. F. Cashmore, 1919-22

County Clerk and Recorder

Amos W. Hall, 1864
L. A. Gridley, 1865[4]
Wm. Peck, 1870-78
A. E. Graeter, 1879-82
D. D. McGough, 1883-88
Will A. Jones, 1889-92
T. J. Murray, 1893-96
E. H. Mayers, 1897-1900

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1. Taken from Commissioners' Journal, 1864-93; 1894-- taken from Abstract of Elections.
2. Part of Book A, 1866-69, missing.
3. Office established in 1914 and discontinued 1922.
4. See footnote 2.

County Clerk and Recorder (continued)

Wm. L. Staudaher, 1901-2
John S. Baker, 1903-18
Vera M. Baker, 1919-20
John S. Baker, 1921-32
Albert S. Baker, 1933--

Clerk of the District Court

R. Z. Thomas, 1889-96
Louis J. Price, 1897-1900
George W. French, 1901-4
Frank Hazelbaker, 1905-12
C. W. Conger, 1913-16
Fred Rife, 1917-20
W. E. Stephenson, 1921-24
Fred Rife, 1925-36
Norman M. Giles, 1937--

Probate Judge[5]

L. C. Meade, 1864-74
G. S. Batchelder, 1875-80
A. F. Sears, 1881-89

Public Administrator

Christian Mead, 1887-88
James Mackay, 1889-92
Joseph Rich, 1893-94
J. S. Meade, 1895-96
Henry Cushing, 1897-98
Charles W. Gray, 1899-1900
Al E. Graeter, 1901-2
Isaiah Cashmore, 1903-6
A. A. Elliott, 1907-10
Wm. Scully, 1911-14
Quitman Owen, 1915-16
George Banks, 1917-24
Mrs. Frank Nelson, 1925-28
George Banks, 1929-30
Mrs. Rebacca Connelly, 1931-34
F. C. McFadden, 1935--

County Sheriff

E. S. Ball, 1864-65[6]
Con Bray, 1870-74
J. C. Melton, 1875-78
James P. Murray, 1879-82
D. F. Reinhardt, 1883-86
(ex-officio assessor, 1883-84)
T. E. Jones, 1887-88
A. O. Rose, 1889-92
T. F. Hamilton, 1893-96
Charles H. Padley, 1897-98
W. S. Pyle, 1899-1900
Charles H. Padley, 1901-2
Marmaduke Gist, 1903-8
O. C. Gossman, 1909-12
D. V. Irwin, 1913-16
C. K. Wyman, 1917-20
D. F. Mooney, 1921-26
W. C. Orr, 1927-34
J. A. McCollum, 1935-36
Paul Temple, 1937--

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[5] Office abolished with Constitution in 1889.
[6] See footnote 2.

County Coroner

James Harby, 1873-74
W. R. Billings, 1875-76
John Penaluna, 1877-78
Wm. Wright, 1879-80
No record from 1881-84
H. D. Pickman, 1885-88
C. W. Clark, 1889-92
J. Cashmore, 1893-94
Thomas M. O'Connor, 1895-96
H. A. Bond, 1897-98
Isaiah Cashmore, 1899-1900
James L. Jones, 1901-2
M. A. Walker, 1903-8
L. C. Ford, 1909-18
F. M. Cunnard, 1919-20
W. W. Lovell, 1921-22
J. E. Phillips, 1923--

County Attorney[7]

E. F. Phelps, 1865[8]
J. C. Robinson, 1873-76
A. E. Mayhew, 1877-82
Robert B. Smith, 1883-88
E. J. Conger, 1889-90
H. J. Burleigh, 1891-92
E. J. Conger, 1893-96
Joseph B. Poindexter, 1897-1902
C. W. Robinson, 1903-4.
H. R. Melton, 1905-10
H. G. Rodgers, 1911-12
R. S. Stephenson, 1913-16
W. G. Gilbert, 1917-20
T. E. Gilbert, 1921-32
J. E. Kelly, 1933-34
T. E. Gilbert, 1935-38
Leonard A. Shultz, 1939--

County Assessor

John B. Miller, 1865-66[9]
John Scanlon, 1st District, 1873-74
Lambert Weiss, 2nd District, 1873-74
J. F. Bishop, 3rd District, 1873-74
C. Cornell, 1875-76
George Tarbell, 1877-78
O. W. W. Rote, 1879-82
D. F. Reinhardt, (sheriff and ex-officio assessor, 1883-84)
O. Willis, 1885-86
L. A. Picket, 1887-88
D. F. Reinhardt, 1889-92
A. J. Noyes, 1893-96
Wilbur C. Snyder, 1897-98
Charles H. Conger, 1899-1902
A. S. Beardsley, 1903-4
Phil Anderegg, 1905-8
A. H. French, 1909-10
N. E. Holden, 1911-14
Boss Emerick, 1915-32
O. M. Best, 1933--

County Treasurer

Henry Zoller, 1864
D. H. Hopkins, 1865[10]

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[7] Office held by a district attorney until 1885.
[8] No further record appears until 1873.
[9] _Idem._
[10] See footnote 2.

County Treasurer (continued)

George P. McConkey, 1869-72
F. L. Graves, 1873-76
George W. Dart, 1877-80
Wm. Shineberger, 1881-84
R. T. Wing, 1885-88
J. C. Metlen, 1889-92
J. G. Shannon, 1893-96
George W. French, 1897-1900
George Edinger, 1901-2
B. N. Stevenson, 1903-6
W. F. Cashmore, 1907-10
A. L. Badeon, 1911-12
Fred Rife, 1913-16
Guy Gray, 1917-18
Georgia Mathews, 1919-22
Bertie Mathews, 1923-26
Norah Connelley, 1927-30
Bertie Mathews, 1931-34
Norah Connelley, 1935-36
Bertie Mathews, 1937--

County Superintendent of Schools

J. S. Forster, 1869-74
W. A. Carter, 1875-78
C. M. Shepard, 1879-86
M. E. Carter, 1887-88
H. A. Woods, 1889-90
A. L. Stone, 1891-92
Mrs. Millie Coffin, 1893-96
Madie Rife, 1897-98
Janie N. Carter, 1899-1900
Isabella Rife, 1901-2
May Rich, 1903-6
Alice Herr, 1907-10
Margaret Ross, 1911-14
Mayme French, 1915-16
Elizabeth Sutherland, 1917-22
Alice Roe, 1923-26
May Sprinkle, 1927-28
Gladys L. Garr, 1929-32
Nell Doyle, 1933-38
Margaret Sweeney, 1939--

County Surveyor

Thomas Wood, 1875[11]
J. H. Batterton, 1887-88
J. Hartwig, 1889-92
H. B. Meade, 1893-94
J. Hartwig, 1895-96
B. Bond, 1897-98
James A. Hall, 1899-1900
George R. Metlen, 1901-4
J. Albee, 1905-6
Pearl I. Smith, 1907-10
R. E. Ober, 1911-12
Wm. F. George, 1913-16
O. A. Ruffner, 1917-18
Wm. E. Chapman, 1919-22
C. R. Kellogg, 1923-24
George R. Metlen, 1925-38
Irving C. Orr, 1939--

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[11] No further record appears until 1886.

MONTANA TERRITORY LEGISLATIVE ASSEMBLY

Beaverhead County Officials[12]

First Session, 1864-65
at Bannack

Council:	House:
Frank M. Thompson	William Faulds
Erasmus D. Leavitt	Andrew J. Smith

Second Session - Extraordinary*, 1866
at Virginia City

Council:	House:
Erasmus D. Leavitt	Andrew J. Smith
Ephraine F. Phelps	H. D. Weed

*Laws annulled by Act of Congress, approved Mar. 2, 1867.

Third Session - Extraordinary*, 1866

Council:	House:
Ephraine F. Phelps	Andrew J. Smith
	Alfred M. Esler

*Laws annulled by Act of Congress, approved Mar. 2, 1867.

Fourth Session, 1867

Council;	House:
Thomas Watson	John A. Simms) Jointly with Missoula Co.
Alexander Davis	Did not appear and qualify.

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[12] Taken from session laws.

Fourth Session - Extraordinary, 1867

Council:	House:
Thomas Watson	John A. Simms) Jointly with Missoula Co. Did not appear and qualify.
Alexander Davis	

Fifth Session, 1868-69

Council:	House:
Thomas Watson	Simeon Estes
	Geo. W. Stapleton

Sixth Session, 1869-70

Council:	House:
Thomas Watson	Joseph A. Browne
	Andrew J. Smith

Seventh Session, 1871-72

Council:	House:
Chapman J. Kinney) Jointly	James C. Metlin
Geo. W. Stapleton) with	Philip H. Poindexter
Henry L. Warren) Madison Co.	

Eighth Session - Extraordinary, 1873

Council:	House:
Geo. W. Stapleton) Jointly with	Joseph A. Browne
Edward T. Yager) Madison Co.	Christian Mead

Eighth Session, 1874

Council:	House:
Orlando B. Barber) Jointly	Joseph A. Browne
Geo. W. Stapleton) with	Christian Mead
Edward T. Yager) Madison Co.	

Ninth Session, 1876 at Helena

Council:	House:
Thomas Watson) Jointly with Madison Co.	Christian Mead

Tenth Session, 1877

Council:	House:
Thomas Watson) Jointly with Madison Co.	Aaron C. Witter

Eleventh Session, 1879

Council:	House:
Martin Barrett	Samuel A. Barbour

Eleventh Session - Extraordinary, 1879

Council:	House:
Martin Barrett	Samuel A. Barbour

Twelfth Session, 1881

Council:	House:
Joseph A. Browne	J. C. Rogers W. D. Davis) Jointly with Madison Co.

Thirteenth Session, 1883

Council:	House:
Benjamin F. White	John E. Clutter Wm. T. Jacobs

Fourteenth Session, 1885

Council:	House:
Martin Barrett	Jay Wells James M. Page) Jointly with Madison Co.

Fifteenth Session, 1887

Council:	House:
Geo. L. Bachelder	Lawrence A. Brown James M. Page) Jointly with Madison Co.

Fifteenth Session - Extraordinary, 1887

Council:	House:
Geo. L. Bachelder	Lawrence A. Browne James M. Page) Jointly with Madison Co.

Sixteenth Session, 1889

Council:	House:
Lawrence A. Brown	H. D. Pickman Ozias Willis) Jointly with Madison Co.

MONTANA STATE LEGISLATIVE ASSEMBLY

First Session, 1889-90

Senate:	House:
Lawrence A. Brown	Aaron C. Witter Robert T. Wing

Second Session, 1891

Senate:	House:
Lawrence A. Brown	Aaron C. Witter

Second Session, 1891 (continued)

Senate:	House:
	Robert T. Wing Wm. H. Norton) Jointly with Deer Lodge Co.

Third Session, 1893

Senate:	House:
Geo. M. Brown	J. E. Fleming A. O. Rose John B. Losee) Jointly with Deer Lodge Co.

Fourth Session, 1895

Senate:	House:
Geo. M. Brown	Wm. A. Jones Henry Knippenbert

Fifth Session, 1897

Senate:	House:
Edwin Norris	Wm. H. Cochrane David E. Metlin

Sixth Session, 1899

Senate:	House:
Edwin Norris	David E. Metlin Goodwin T. Paul

Seventh Session, 1901

Senate:	House:
James P. Murray	Emerson Hill David E. Metlin

Eighth Session, 1903

Senate:	House:
James P. Murray	Benjamin F. White Geo. Woodworth

Eighth Session - Extraordinary (1 day), 1903

Senate:	House:
James P. Murray	Benjamin F. White Geo. Woodworth

Ninth Session, 1905

Senate:	House:
Benjamin F. White	Alpheus Decker Earnest Owens Selway

Tenth Session, 1907

Senate:	House:
B. F. White	Alf Decker E. O. Selway

Eleventh Session, 1909

Senate:	House:
E. O. Selway	T. J. Murray

Eleventh Session - Extraordinary, 1909

Senate:	House:
E. O. Selway	Frank Eliel T. J. Murray

Twelfth Session, 1911

Senate:	House:
E. O. Selway	Frank Eliel T. J. Murray

County Officials - Beaverhead County

Thirteenth Session, 1913

Senate:	House:
E. O. Selway	Frank Eliel

Fourteenth Session, 1915

Senate:	House:
E. O. Selway	Frank Eliel

Fifteenth Session, 1917

Senate:	House:
Geo. P. Featherly	Frank Eliel

Fifteenth Session - Extraordinary, 1918

Senate:	House:
Geo. P. Featherly	Frank Eliel

Sixteenth Session, 1919

Senate:	House:
Geo. P. Featherly	Jesse W. Finsley

Sixteenth Session - Extraordinary, 1919

Senate:	House:
Geo. P. Featherly	Jesse W. Finsley

Seventeenth Session, 1921

F. A. Hazelbaker	Henry G. Rogers

County Officials - Beaverhead
County

Eighteenth Session, 1923

Senate:	House:
Frank A. Hazelbaker	Henry G. Rogers

Eighteenth Session - Extraordinary, 1924

Senate:	House:
Frank A. Hazelbaker	Henry G. Rogers

Nineteenth Session, 1925

Senate:	House:
Frank A. Hazelbaker	Pearl I. Smith

Twentieth Session, 1927

Senate:	House:
Frank A. Hazelbaker	Frank Rife

Twenty-first Session, 1929

Senate:	House:
Pearl I. Smith	Joe Metlen

Twenty-second Session, 1931

Senate:	House:
Pearl I. Smith	Joe Metlen

Twenty-third Session, 1933

Senate:	House:
Geo. M. Melton	Joe Metlen

Twenty-third Session - Extraordinary, 1933-34

Senate:	House:
Geo. M. Melton	Joe Metlen

Twenty-fourth Session, 1935

Senate:	House:
Geo. M. Melton	Joe Metlen

Twenty-fifth Session, 1937

Senate:	House:
Geo. H. Montgomery	Joe Metlen

Twenty-sixth Session, 1939

Senate:	House:
Geo. H. Montgomery	Joe Metlen

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